

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 11th SEPTEMBER 2007

1. ARRANGEMENT OF PUBLIC BUSINESS FOR THE PRESENT MEETING	7
1.1 Senator P.F.C. Ozouf (The Minister for Economic Development):.....	7
The Deputy Bailiff:.....	7
1.2 Deputy P.N. Troy of St. Brelade:	7
The Deputy Bailiff:.....	7
Deputy P.N. Troy:	7
The Deputy Bailiff:.....	7
1.3 Senator L. Norman:	7
The Deputy Bailiff:.....	8
1.4 Senator T.A. Le Sueur (The Minister for Treasury and Resources):	8
1.5 Senator P.F.C. Ozouf:.....	8
1.6 Deputy G.P. Southern of St. Helier:	8
1.7 Senator L. Norman:	8
The Deputy Bailiff:.....	8
1.8 Senator F.H. Walker (The Chief Minister):	8
1.9 Senator S. Syvret (The Minister for Health and Social Services):.....	9
The Deputy Bailiff:.....	9
Senator S. Syvret:	9
Deputy A. Breckon of St. Saviour:.....	10
Senator S. Syvret:	10
1.10 Senator M.E. Vibert (The Minister for Education, Sport and Culture):.....	10
1.11 Connétable A.S. Crowcroft of St. Helier:	10
1.12 Deputy G.W.J. de Faye of St. Helier:	11
1.13 Deputy F.J. Hill of St. Martin:	11
The Deputy Bailiff:.....	11
1.14 Senator F.H. Walker:	11
Deputy A. Breckon:	11
Senator F.H. Walker:	12
1.15 Senator S. Syvret:	12
The Deputy Bailiff:.....	12
1.16 Senator F.H. Walker:	13
1.17 Senator S. Syvret:	13
1.18 The Connétable of St. Helier:.....	13
The Deputy Bailiff:.....	14
Senator S. Syvret:	14
QUESTIONS.....	14
2. Written Questions	14
2.1 THE MINISTER FOR HOUSING BY DEPUTY J.A MARTIN OF ST. HELIER REGARDING THE MIX OF HOUSING AT LE SQUEZ:	14

2.2	THE MINISTER FOR TREASURY AND RESOURCES BY SENATOR B.E. SHENTON REGARDING THE DRAFT ANNUAL BUSINESS PLAN:	15
2.3	THE CHAIRMAN OF THE ENVIRONMENT SCRUTINY PANEL BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE WASTE REVIEW:	15
2.4	THE MINISTER FOR HEALTH AND SOCIAL SERVICES BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR REGARDING PRIVATE CARE HOME COSTS:	16
2.5	THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR REGARDING YOUTH PROVISION IN TOWN:	17
2.6	THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR REGARDING BUS PHONE TEXTS:	18
2.7	THE MINISTER FOR HOME AFFAIRS BY DEPUTY S.S.P.A. POWER OF ST. BRELADE REGARDING THE FUTURE OF THE WESTERN FIRE STATION. 19	
2.8	THE MINISTER FOR TREASURY AND RESOURCES BY CONNÉTABLE A.S CROWCROFT OF ST. HELIER REGARDING FUNDS FOR THE MILLENNIUM TOWN PARK:	19
2.9	THE CHIEF MINISTER BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE COSTS OF A NATIONAL GALLERY:	20
2.10	THE MINISTER FOR HOME AFFAIRS BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE POLICING OF JERSEY LIVE:	21
2.11	THE MINISTER FOR TREASURY AND RESOURCES BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE IMPACT OF G.S.T. ON STATES DEPARTMENTS:	21
2.12	CHAIRMAN OF ENVIRONMENT SCRUTINY PANEL BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING FUTURE REVIEWS:	22
2.13	THE MINISTER FOR HOME AFFAIRS BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE POTENTIAL USE OF TASER GUNS BY THE STATES OF JERSEY POLICE:	22
2.14	THE MINISTER FOR HOME AFFAIRS BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE ISSUE OF FIREARMS CERTIFICATES BY THE STATES OF JERSEY POLICE:	24
3.	Oral Questions.....	26
3.1	Deputy G.P. Southern of the Chief Minister regarding the effective scrutiny of the Annual Business Plan:	26
	Senator F.H. Walker (The Chief Minister):	26
3.1.1	Deputy G.P. Southern:	27
3.1.2	Deputy G.P. Southern:	27
3.1.3	Deputy A. Breckon:	27
3.2	Deputy D.W. Mezbourian of St. Lawrence of the Minister for Planning and Environment regarding the preservation of oak trees at Goose Green Marsh:	28
	Senator F.E. Cohen (The Minister for Planning and Environment):	28
3.2.1	Deputy D.W. Mezbourian:	28
3.3	Deputy G.P. Southern of the Minister for Treasury and Resources regarding effective tax rates for the financial services industry:	28
	Senator T.A. Le Sueur (The Minister for Treasury and Resources):	28
3.4	Deputy J.A.N. Le Fondré of St. Lawrence of the Minister for Planning and Environment regarding the signature of a Ministerial decision:	29
	Senator F.E. Cohen (The Minister for Planning and Environment):	29
3.4.1	Deputy J.A.N. Le Fondré:	29
3.5	Deputy J.A. Martin of St. Helier of the Minister for Education, Sport and Culture regarding G.C.S.E. exam results:	30
	Senator M.E. Vibert (The Minister for Education, Sport and Culture):	30

3.6 Deputy K.C. Lewis of St. Saviour of the Minister for Health and Social Services regarding breast screening for women aged over 70:.....	30
Senator S. Syvret (The Minister for Health and Social Services):.....	30
3.7 The Deputy of St. Martin of the Minister for Treasury and Resources regarding share transfer legislation:	30
Senator T.A. Le Sueur (The Minister for Treasury and Resources):	30
3.7.1 The Deputy of St. Martin:	31
3.7.2 Deputy R.G. Le Hérisssier of St. Saviour:	31
3.7.3 Deputy A. Breckon:.....	31
3.8 Deputy R.G. Le Hérisssier of the Minister for Housing regarding the impact of granting more (j) category licences:.....	31
Senator T.J. Le Main (The Minister for Housing):	32
3.8.1 Deputy R.G. Le Hérisssier:	32
3.8.2 Deputy R.G. Le Hérisssier:	32
3.8.3 Deputy G.P. Southern:.....	32
3.8.4 Deputy R.G. Le Hérisssier:	33
3.9 The Deputy of St. Martin of the Minister for Home Affairs regarding policing costs for Jersey Live:	33
Senator W. Kinnard (The Minister for Home Affairs):.....	33
3.9.1 Deputy of St. Martin:.....	33
3.9.2 Senator B.E. Shenton:.....	34
3.9.3 Deputy G.C.L. Baudains of St. Clement:	34
3.9.4 Deputy S.C. Ferguson of St. Brelade:	34
3.9.5 Deputy for St. Martin:.....	35
3.9.6 Deputy J.A. Martin:.....	35
3.9.7 Deputy J.B. Fox of St. Helier:.....	36
3.10 Deputy S. Power of St. Brelade of the Minister for Health and Social Services regarding the future use of the Overdale site:.....	36
Senator S. Syvret (The Minister for Health and Social Services).....	36
3.10.1 Deputy S. Power:	36
Senator S. Syvret:	36
3.11 Deputy R.G. Le Hérisssier of the Minister for Transport and Technical Services regarding the maintenance of the Rue des Prés Trading Estate:.....	37
Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):	37
3.11.1 Deputy R.G. Le Hérisssier:.....	37
Deputy G.W.J. de Faye:.....	37
3.11.2 Deputy J.B. Fox:	37
Deputy G.W.J. de Faye:.....	37
3.11.3 Senator J.L. Perchard:	38
3.11.4 Senator J.L. Perchard:	38
3.11.5 Deputy C.J. Scott Warren of St. Saviour:.....	38
3.12 Deputy G.C.L. Baudains of the Minister for Home Affairs regarding the deployment of TASER guns:	39
Senator W. Kinnard (The Minister for Home Affairs):.....	39
The Deputy of St. John (Assistant Minister for Home Affairs):.....	39
3.12.1 Deputy G.C.L. Baudains:	39
3.12.2 Deputy S.C. Ferguson:	40
3.12.3 Senator B.E. Shenton:	40
3.12.4 Connétable T.J. du Feu of St. Peter:	40
3.12.5 Deputy S.C. Ferguson:	40
3.12.6 Deputy G.C.L. Baudains:	41
3.12.7 Deputy J.B. Fox:	41

3.12.8 Deputy G.C.L. Baudains:	41
4. Questions to Ministers without Notice - The Minister for Social Security.....	42
The Deputy Bailiff:	42
4.1 Deputy K.C. Lewis:	42
Senator P.F. Routier (The Minister for Social Security):	42
4.2 Deputy G.P. Southern:	42
4.3 Deputy R.G. Le Hérisier:	43
4.4 Deputy R.G. Le Hérisier:	43
4.5 Deputy A. Breckon:	43
4.6 The Connétable of St Helier:	44
4.7 The Connétable of St Helier:	44
4.8 Deputy C.J. Scott Warren:	44
4.9 Deputy J.A. Martin:	45
4.10 Deputy J.A. Martin:	45
5. Questions to Ministers without Notice - The Chief Minister.....	46
5.1 The Connétable of St Helier:	46
Senator F.H. Walker (The Chief Minister):	46
5.2 The Connétable of St. Helier:	46
5.3 Senator B.E. Shenton:	46
5.4 Senator J.L. Perchard:	46
5.5 Senator J.L. Perchard:	47
5.6 Deputy J.A. Martin:	47
5.7 The Connétable of St Helier:	47
5.8 Deputy C.F. Labey of Grouville:	48
5.9 Deputy G.P. Southern:	48
5.10 Deputy G.P. Southern:	48
5.11 Deputy S.C. Ferguson:	48
5.12 Deputy A. Breckon:	49
Deputy A. Breckon:	49
5.13 Deputy C.J. Scott Warren:	49
5.14 Senator J.L. Perchard:	49
The Deputy Bailiff:	50
PUBLIC BUSINESS	50
6. Minister for Health and Social Services: dismissal (P.115/2007)	50
The Deputy Bailiff:	50
6.1 Senator W. Kinnard	50
6.2 The Connétable of St Helier:	50
The Deputy Bailiff:	50
6.3 The Deputy of St. John:	50
6.4 Deputy R.G. Le Hérisier:	51
The Deputy Bailiff:	51
6.5 Senator F.H. Walker (The Chief Minister):	51
The Deputy Bailiff:	58
6.5.1 Senator S. Syvret:	58
The Deputy Bailiff:	60
Senator S. Syvret:	60
LUNCHEON ADJOURNMENT PROPOSED.....	61

The Deputy Bailiff:.....	61
LUNCHEON ADJOURNMENT.....	61
Senator S. Syvret:.....	61
Deputy C.J. Scott Warren:.....	64
The Deputy Bailiff:.....	64
Senator S. Syvret:.....	64
Senator M.E. Vibert:.....	65
Senator S. Syvret:.....	66
The Deputy Bailiff:.....	66
Senator S. Syvret:.....	66
Deputy G.P. Southern:.....	67
The Deputy Bailiff:.....	67
Senator S. Syvret:.....	67
6.5.2 Deputy C.J. Scott Warren:.....	68
6.5.3 Connétable M.K. Jackson of St. Brelade:.....	69
6.5.4 The Deputy of Grouville:.....	70
Senator F.H. Walker:.....	71
The Deputy of Grouville:.....	71
6.5.5 Deputy D.W. Mezbourian:.....	71
6.5.6 Senator M.E. Vibert:.....	71
6.5.7 Deputy J.J. Huet of St. Helier:.....	75
6.5.8 Deputy K.C. Lewis:.....	76
6.5.9 The Connétable of St. Peter:.....	76
6.5.10 Deputy J.A. Martin:.....	77
6.5.11 Deputy G.P. Southern:.....	78
6.5.12 Deputy S.C. Ferguson:.....	80
6.5.13 Deputy S. Power:.....	80
6.5.14 Deputy R.G. Le Hérissier:.....	81
6.5.15 Deputy P.N. Troy:.....	82
6.5.16 The Connétable of St. Helier:.....	83
6.5.17 Senator J.L. Perchard:.....	84
6.5.18 Senator B.E. Shenton:.....	84
6.5.19 Deputy J. Gallichan of St. Mary:.....	85
6.5.20 Senator P.F. Routier:.....	86
6.5.21 Connétable K.P. Vibert of St. Ouen:.....	87
6.5.22 Deputy G.C.L. Baudains:.....	88
The Deputy of St. Martin:.....	90
Senator S. Syvret:.....	90
The Deputy Bailiff:.....	90
6.5.23 Senator S. Syvret:.....	91
6.5.24 Senator F.H. Walker:.....	98
Senator S. Syvret:.....	102
Senator F.H. Walker:.....	102
The Deputy Bailiff:.....	103
Senator S. Syvret:.....	104
The Deputy Bailiff:.....	104
Senator F.H. Walker:.....	104
ADJOURNMENT.....	104
The Deputy Bailiff:.....	104

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

1. ARRANGEMENT OF PUBLIC BUSINESS FOR THE PRESENT MEETING

The Deputy Bailiff:

Members will have seen that there are a number of matters which various Members have asked be debated at this sitting. If members agree the Greffier and I thought it might be convenient to deal with that at this stage under A so that everyone knows where they are and what matters are or are not to be debated. So if members agree, I suggest we take it at this stage. Now if members turn then to the relevant part of the Order Paper it can be seen that there are, in effect, four matters which are asked to be taken. The first is P.98/2007 - Deputies: extension of term of office to 4 years - lodged by Deputy Troy. The second is Goods and Services Tax: price marking legislation - P.99/2007 - lodged by Senator Norman. The third one is the Draft Financial Services (Amendment No. 3) (Jersey) Law 200- - P.100/2007 - lodged by the Minister for Economic Development and the final one is P.115/2007 - Minister for Health and Social Services: dismissal - lodged by the Chief Minister.

1.1 Senator P.F.C. Ozouf (The Minister for Economic Development):

May I just amend that list? I am happy to withdraw the Financial Services one until a later sitting.

The Deputy Bailiff:

Very well, thank you. That is withdrawn. Now I suggest that we take each in turn; the first one P.98, Deputy Troy?

1.2 Deputy P.N. Troy of St. Brelade:

I would just ask the Assembly, Sir, if they would be content to take this which came about as a result of our last debate when the Connétables proposed a four-year term and this ties-in with that, Sir, on future reform.

The Deputy Bailiff:

Do you wish to explain to members why you wish to take it at this particular sitting?

Deputy P.N. Troy:

Yes, Sir, because of the timeframe really that if it is approved then P.P.C. (Privileges and Procedures Committee) needs to move forward on the legal side to make all of the changes to tie in with the Connétables' term, Sir.

The Deputy Bailiff:

Is that proposition seconded? [**Seconded**] Does anybody wish to comment? If not, I suggest we take these separately. Do Members then agree to take P.98? Yes? Very well, members agree to take P.98. Next one is Goods and Services Tax Price Marking Legislation - P.99 - by Senator Norman. Senator?

1.3 Senator L. Norman:

I am comfortable whether this is taken today or left for a couple of weeks. The only thing I would say, Sir, I do not want the Treasury Minister to use any delay to suggest that I am delaying the introduction of G.S.T. (Goods and Services Tax). I think this is an important issue before we debate the Appointed Day Act and providing that the Minister for Economic Development feels that he has sufficient time to bring forward price marking legislation if my proposition is successful I do not mind it being delayed. If he has not got time then I would maintain the proposition to have it on today's sitting, Sir.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Does anybody wish to comment?

1.4 Senator T.A. Le Sueur (The Minister for Treasury and Resources):

I would accept a delay of a week or two, Sir, but I am anxious that there is a minimum of uncertainty as far as this issue is concerned. In the event that Senator Norman was successful with his proposition and that price marking legislation had to be brought, I wanted to ensure that that did not delay of introduction of G.S.T. as I suspect it might. So a delay of up to a couple of weeks would be acceptable, a prolonged delay, I feel, would not be acceptable.

1.5 Senator P.F.C. Ozouf:

The Senator asked me if it was going to delay bringing in price marking legislation, but the fact is that price marking legislation could be brought but I do not believe that that would give sufficient time for retailers to be given a clear steer as to whether or not there is going to be inclusive or exclusive pricing. So it is the issue of the certainty for retailers that is the most important. If the Assembly was to agree Senator Norman's proposition I still think one would be in a difficulty of giving retailers sufficient time. I am relaxed about it being two weeks if that is what the Assembly wishes. I think the other notable point is that the Scrutiny Panel was carrying out a review and their report is due to be out in two weeks' time and that may well sway members' view of whether or not they wish to take it at this sitting or in two weeks' time.

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

Certainly, Sir, it is nice to have an introduction from the Minister for Economic Development but that is the case, we are scheduled to publish our report on inclusive or exclusive price marking by 25th September, so a fortnight's time. It seems singularly inappropriate to debate this in advance, we have still got - I think it is going to be a very tight deadline schedule but nonetheless the report will be published by 25th September.

1.7 Senator L. Norman:

Well, firstly, can I say in response to the Minister for Economic Development, I think certainty for consumers is the most important issue, it is certainly much more important than certainty for the retailers. But in view of those comments, I am quite happy that the debate be moved to 25th September.

The Deputy Bailiff:

Very well, so we withdraw it from today's agenda. Finally P.115, the proposition by the Chief Minister. Chief Minister, do you wish to make any comments?

1.8 Senator F.H. Walker (The Chief Minister):

Can I say first of all that I think it is a tragedy and an avoidable tragedy that we are here today at all. But the facts are that a significant amount of damage has been done to a considerable number of people by the behaviour and conduct of the Minister for Health in recent weeks. We have got to the stage where because of the number of people he has, I have to say, attacked, insulted and generally made it impossible to work alongside, he cannot possibly any longer function as the Minister for Health. Sir, we cannot be in a position any longer - this whole issue has already been going on now for nearly two months - we cannot be in a position any longer where we allow that to happen. We must have, it is essential for health services and children who need our protection in particular that we have a functioning Minister for Health and it is essential that we begin the rebuilding process from the damage that has been done as soon as possible. Sir, the information on the report and proposition, which is all about the Senator's conduct and behaviour, it is not about our child protection provision, that is a matter for the various reviews that have, or will be, established. All the information has been known to the Minister for Health and indeed much of it has been in the

public domain and certainly known to members for some considerable time. There is absolutely no reason that we should delay this debate. If it was about child protection services that would be a different matter and of course I would expect the Senator to have every opportunity to put his case in full. But he will have that opportunity in relation to child protection at the reviews, indeed has already had the first opportunity. So this is not about child protection, this is entirely about the Senator's conduct. As I said, Sir, it gives me no pleasure, I am intensely sad that I have to bring this proposition but having got to this stage, having already been in the middle of this controversy, this crisis for eight weeks we cannot delay any longer. We really need, whatever the outcome may be, to grasp this nettle and take this debate today. So I would ask members to agree to that and in so doing, in common with well-established precedent on votes of no confidence which is normally that they are taken within two weeks and then taken as first item of business, Sir, I would ask that it is taken today and is also taken as first item of public business.

1.9 Senator S. Syvret (The Minister for Health and Social Services):

I would like to oppose the motion put forward by the Chief Minister, I think on two principal grounds which are easily understood. Firstly, there has been an absence of due process. This meeting that the Council of Ministers had at which they discussed and took the decision to seek my dismissal was an unscheduled meeting for which I had had five days' notice and indeed the case against me, as it were, all of the great bulk of material that they rely upon was, in fact, given to me less than 24 hours before that meeting took place. So even had I been able to attend this unscheduled meeting I would not have had sufficient time to deal with the supposed case against me. As would be clear to anybody with the faintest grasp of jurisprudence, that is not giving the person a fair hearing. I can point to a direct consequence of the failure of the Council of Ministers to give me sufficient time to wait until the scheduled meeting in that they have gone into print in their proposition with information that is demonstrably wrong, on which I have some very learned expert opinions which demonstrates the information that they have been supplied with to be grossly inaccurate in the most important of ways. So I believe that the debate should not go ahead today. I do not believe I have had sufficient time to prepare my defence. I do not believe that the Council of Ministers have had sufficient time to decide on the basis of the facts and the evidence, what the situation is. I would also, on my second ground for opposing the debate today, point out that the Bailiff has refused to allow my formal ministerial comments to be printed. He cites a Standing Order which says that people that should not be named in them, members of the public should not be named in such comment or debates unless it is unavoidable and necessary that they should be so named. In this case it clearly is unavoidable and necessary that people should be named and indeed this is a procedure that is used and recognised in the House of Commons. I have been reading my copy of Erskine May so I am aware of my rights and the rights to free speech within the legislature and I would certainly hope to be able to take up with the Bailiff why he has exhibited this bias in not allowing me to print, as formal comments, all of the relevant evidence in relation to the debate today. Indeed much of the material I wish to have printed as formal comments did, in fact, address directly some of the grounds cited by the Chief Minister in his report and proposition. So on those grounds I would oppose the Chief Minister's proposal and ask that this matter not be debated today.

The Deputy Bailiff:

Senator, can I just say my understanding is that the Bailiff did, however, direct that all the material you wanted circulated in your report, which would only have been on members' desks this morning of course in any event, should be photocopied and has made it available, I think, for you to distribute? So, in other words, the position, as I understand it, is that members will have the very material which you wish to place before them at the same time as they would have had it been a report.

Senator S. Syvret:

No, Sir, I am afraid that things are not that simple. The decision of the Bailiff to refuse to allow my comments to be published as an official document deprives them of parliamentary privilege. Now this means then that the media outside the *Jersey Evening Post*, Channel Television, Radio Jersey and so forth will not be able to report the relevant material, much of which is very important, I think, both from a public interest point of view and from enabling members of this Assembly, and indeed the public at large, to understand the reason why my concerns have accumulated so much over the years and why finally my patience is exhausted. So the refusal of the Bailiff to allow my comments to be printed, his decision to not allow a level playing field, deprived those comments of parliamentary privilege which I consider to be quite a grave matter. Even if I am in a minority of one in these debates, still as an elected member one has rights to be treated fairly under the procedures of this Assembly and not to have such bias exhibited.

Deputy A. Breckon of St. Saviour:

I wonder if I may ask, through the Chair, of Senator Syvret, he did say that he would seek a deferment from today, could he give the House some indication of how long he would need to prepare the sort of information that he has touched on there, Sir, which I have not seen because it may be of relevance if Members are considering a deferment?

Senator S. Syvret:

I believe that the confidence proposition I have scheduled is down for October. That was the earliest date that it could be taken, 9th October, I think? Yes, 9th October.

The Deputy Bailiff:

Does any Member wish to speak? Senator Vibert?

1.10 Senator M.E. Vibert (The Minister for Education, Sport and Culture):

I have no wish to prolong this. My concern with supporting that we debate this today is the future of our most vulnerable children and their security and the services we have for dealing with it. I, along with the Minister for Home Affairs, Senator Wendy Kinnard and the Minister for Health and Social Services, Senator Syvret, have shared responsibility for the Children's Executive. The Children's Executive is responsible for severe emotional and behavioural difficulty services which includes Greenfields. Senator Syvret in recent weeks has been acting unilaterally in this area against the Ministerial Code of Conduct and not liaising and discussing with Senator Kinnard and myself on issues relating to these areas. In fact in an email message I got from Senator Syvret yesterday, he says the Children's Executive is not a functional body. I think it is vital that this is resolved. The Children's Executive exists, it needs a working corporate parent to ensure, to oversee it and the sooner this is resolved in the interests of the vulnerable young people of the Island and the services it is providing for them, the better.

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

The Chief Minister said in his opening remarks that it is a matter of precedent that votes of no confidence are taken as a first item of business. I would suggest it is also a matter of precedent that Members have in their possession a report or comments from the member or committee or Minister in whom the States are asked to have no confidence. Given that that is not the case, I would suggest that if the States do move to approve with this sitting, that it should be taken at the last item of business and not the first to give the Senator some extra time and to give members a chance to read whatever documents he makes available to us.

The Deputy Bailiff:

What I suggest, if I may, Connétable, is that I invite the Assembly to first of all decide whether to take this matter at this sitting and then if they do, then we will decide when.

1.12 Deputy G.W.J. de Faye of St. Helier:

I do take issue with the Connétable of St. Helier. This debate will be about the Minister's conduct and is entirely separate from the debate on any child protection issue. The clear situation is that because of the circumstances the entire Health and Social Services Department is in a destabilised situation. We must restore things to a state of stability as soon as possible and therefore it is a clear priority that we deal with this matter also as soon as possible.

1.13 Deputy F.J. Hill of St. Martin:

I take no sides here, I am just speaking as a neutral, but I cannot help but pick up something that the Chief Minister did say, that this is all about child protection. Yet there is an assumption that...

Senator F.H. Walker:

May I correct the Deputy? He has precisely got it totally the wrong way round. I said this is not all about child protection, this is solely and entirely about the Minister's conduct.

The Deputy of St. Martin:

I stand corrected. If I just correct again, I do accept what the Chief Minister said, however, if it is about the risk of young people, the Chief Minister has asked for, and I support his call for, a review by Mr. Williamson and I do think that it is very important that we get all the facts before us before we debate whether, in fact, there is a vote of confidence or whether we should go for the dismissal of Senator Syvret. I also found it quite strange some years ago I remember trying to lodge something and I was told that I could not lodge something because it was a negative of the proposition. Well, I understood here that we have a proposition by Senator Syvret himself and yet I would have thought what we have got here is a negative to the proposition and I am quite surprised, Sir - I accept the fact that it was you that made this decision - that the decision was made that we could have a dismissal before a proposition about the vote of confidence which I would have thought would have come first, in which case this is negating the very proposition that Senator Syvret had. I am very unhappy about the debate. I would rather we did not have it and I would rather have all the facts in front of me before we do debate it.

The Deputy Bailiff:

If I can just respond to the last point of course that was, Deputy, under the old Standing Orders which had a specific provision about that. Does any other Member wish to speak on whether the States will take the debate? Very well, do you wish to reply, Chief Minister?

1.14 Senator F.H. Walker:

Yes, if I may, very briefly. Senator Syvret put forward two reasons for proposing the debate should not be taken today. I will not comment on the second because that was a matter for you or the Bailiff, but I do know that it was ruled that the procedure adopted by the Council of Ministers was in accord with the practice laid down. Sir, the facts are that Senator Syvret has known since 28th January the reasons for this proposition because it was on 28th January - I beg your pardon, July - 28th July, that Ministers wrote to me asking me to request his resignation which I immediately did. That was nearly now eight weeks ago. So the Senator has known for all of that time what the issues are and what the proposition will be about. There is nothing new in the report and proposition, nothing new to the Minister for Health at all and of course he did have the opportunity on 6th September at a scheduled Council of Ministers meeting to fully put his case, but decided, for reasons I can well understand, not to do so. But the fact is he has known of the content of the report and proposition for something like eight weeks. Now, Deputy Breckon has suggested that we should delay this debate until 9th October. Can I say -

Deputy A. Breckon:

I did not say that, I asked Senator Syvret to say.

Senator F.H. Walker:

I beg your pardon, Deputy, you are quite right. But there was general reference to not taking this debate until the House can debate the motion of confidence brought by the Minister for Health. So I have to tell you, delaying this debate until 9th October or even worse, until Mr. Williamson has conducted his inquiry as suggested by the Deputy of St. Martin, which is at least three months, is absolutely totally unacceptable. I cannot imagine what will happen to our child protection services if we delay this debate for anything approaching either of those periods. That just cannot be an option we can give serious consideration to. Of course the Deputy of St. Martin's point would be valid if the issue was indeed about child protection. But as I have said, it is not. Of course the vote of confidence lodged by the Minister for Health was lodged some time after the vote of no confidence which I lodged having consulted with the Council of Ministers, so -

Senator S. Syvret:

That is factually incorrect.

Senator F.H. Walker:

I beg your pardon, it was lodged before, but the report and proposition was well known before it was lodged. So, Sir, it is vital that we do get our order in this right. It is vital for the sake of the children and the people who provide the services they depend upon that we do not delay an issue which has gone on for far too long already. There is an issue here for the House to address at a later stage about how we can better manage circumstances such as this in the future. But it has dragged on for eight weeks. Any further delay, particularly until Mr. Williamson has completed his review or even until October, will put children at additional risk and that is not a position we, in the House, Members of this House, can possibly contemplate. So, Sir, I very strongly urge members to bring this matter to a conclusion, whatever that conclusion may be and to do so today in the interests of all concerned.

1.15 Senator S. Syvret:

Could I just say that it is quite untrue and incorrect to say, as indeed the literature would show, that the controversy has put children at risk or somehow damaged the child welfare protection. It is well established among the codes of conduct, the professionals working in this field, that it is always better to speak out against a failing system, no matter what deficiencies and what problems and controversies that may cause than it is to remain silent. The literature is quite clear on this and the great majority...

The Deputy Bailiff:

I allowed you to start, but you do not have a further right on the matter like this.

Senator S. Syvret:

It is how it is done.

POUR: 38

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen

CONTRE: 12

Senator S. Syvret
Senator B.E. Shenton
Connétable of St. Peter
Connétable of St. Helier
Connétable of St. John
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)

ABSTAIN: 1

Senator W. Kinnard

Senator J.L. Perchard
Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
Deputy of Trinity
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy P.J.D. Ryan (H)
Deputy of Grouville

The Deputy Bailiff:

Very well, now then the question is at what stage in these proceedings? Chief Minister, you have asked that it be taken as first item of business, is that right?

1.16 Senator F.H. Walker:

Yes, Sir, and I maintain that request on the basis that this is an issue which is hanging over all of us and I do not believe it is going to be possible for us to have a sensible debate on other issues so long as it remains hanging over our heads. I also repeat the point I made just now that this information has been available to the Senator for something approaching eight weeks. So I see no reason why the paper that I understand that he is to distribute to members this morning could not have been distributed some time ago and that members could have had every opportunity to consider it and take a view on it. So I think it is a question of a missed opportunity here. This has gone on too long and I think we need to take this first opportunity as first item of business to resolve it one way or another.

1.17 Senator S. Syvret:

The Assembly, notwithstanding the request of the Connétable of St. Helier, I think personally that the Assembly having decided that it will go ahead with the debate at this meeting, it probably is better that it is taken as first item. I think it would be preferable to proceed in that way.

1.18 The Connétable of St. Helier:

Can I just ask that the Minister circulates his comments to give us as much time to read them as possible before the debate begins?

The Deputy Bailiff:

Very well, all those in favour of taking the matter as first item of public business, kindly show. Those against? That is adopted.

Senator S. Syvret:

Could my non comments be distributed? But that should not be taken as any indication that I remotely accept the Bailiff's ruling and I will be taking this up in coming days.

The Deputy Bailiff:

Very well, the Greffier will arrange for distribution.

QUESTIONS

2. Written Questions

2.1 THE MINISTER FOR HOUSING BY DEPUTY J.A MARTIN OF ST. HELIER REGARDING THE MIX OF HOUSING AT LE SQUEZ:

Question

Would the Minister inform the Assembly of the type and number of dwellings at Le Squez after the total refurbishment of the estate (e.g. flats or houses and number of bedrooms); how many of the houses will be for rental, and the projected overall cost of this project?

Answer

The original master plan for Le Squez provided for the redevelopment of a total of 248 homes, 109 retained for rental and 139 sold to States tenants -

- 18 one-bedroom flats - all for rental
- 41 two-bedroom houses - 21 for rental and 20 for sale
- 10 two-bedroom bungalows - 19 for rental and 1 for sale
- 145 three-bedroom houses - 47 for rental and 98 for sale
- 34 four-bedroom houses - 14 for rental and 20 for sale.

That master plan is being redrawn. The intention is to create a real community development. The new plan is still in the very early stages of design. However, it is expected that at conclusion the development could yield approximately 275 homes. A key feature of this new master plan will be an increase in the number of one-bedroom flats to meet the growing need for life long homes. This would provide for a site with a much more appropriate density given the area at approximately 81 habitable rooms per acre.

The development will cost approximately £40m (£13m expended to date) to completion at 2007 prices.

In the weeks to come, further detail will become available as the architects refine their master plan in consultation with both the Housing and Planning and Environment Departments. This will clarify the numbers and allow far greater certainty about the outcome, both in respect of yield and cost. Naturally there will be full consultation with the residents of Le Squez, as well as the Connétable of St. Clement, Deputies Gerard Baudains and Ian Gorst, Parochial officers and of course residents living in surrounding areas.

2.2 THE MINISTER FOR TREASURY AND RESOURCES BY SENATOR B.E. SHENTON REGARDING THE DRAFT ANNUAL BUSINESS PLAN:

Question

In the Draft Annual Business Plan 2007 under Summary Table C the Expenditure Allocation for 2008 in respect of Treasury and Resources was stated as being £54,708,000. In the Draft Annual Business Plan 2008 under Summary Table C the Expenditure Allocation for 2008 in respect of Treasury and Resources was stated as being £61,586,000 – an increase of 12.57%.

Can the Minister please explain, in layman's terms, the reasons for the differential and also set out the exact meaning of 'Repayments and Interest on Capital Debt' (Page 120 of the Annex) and what this figure encapsulates?

Answer

The 2008 figure as published in the 2007 Business Plan does not include inter-departmental transfers and was calculated based on inflation assumptions prevailing at that time.

Detailed comparison of the Department's 2007 and 2008 budgets can be found on pages 123-125 of the Annex to the States Business Plan. These pages detail the various movements in the Treasury and Resources budget from 2007 to 2008 excluding the 'Repayments and Interest on Capital Debt'. The most significant component of the £6.8 million increase to the budget is £4m transfers relating to property maintenance budgets held in other States departments. There is also a 'book transfer' of some £2.5 million in respect of interest and capital debt repayments. When transfers are excluded the overall budget shows a reduction of £80,000, largely as a net result of efficiency savings.

Repayments and Interest on Capital Debt is a legacy term that related to the requirements of the previous Public Finances (Jersey) Law and comprises three elements. The majority of the cost shown against this line represents a proxy for depreciation of the States fixed assets; also included is interest received into the consolidated fund from trading funds in respect of their capital expenditure financed from the consolidated fund; the final element relates to the depreciation of capital grant funding of 'below ground works' at the airport, funded from the consolidated fund, but capitalised in the Airport's Trading Fund. This last item accounts for the majority of the increase between the two estimates.

The planned implementation of GAAP based accounting within the States means that processes and procedures around accounting for capital expenditure and depreciation are currently being reviewed and will change as new accounting standards are implemented.

2.3 THE CHAIRMAN OF THE ENVIRONMENT SCRUTINY PANEL BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE WASTE REVIEW:

Question

With regard to the Panel's review of waste, would the Chairman advise members –

- (a) why the presentation to States members and others of alternatives to mass incineration of Jersey's waste, as agreed by the Panel in January and proposed to be held in March, has not yet been held?
- (b) with reference to SR13/2007 ('Waste Recycling' presented to the States on 3rd July 2007) and especially page 89 thereof, would the Chairman advise whether his Panel carried out economic comparisons between recycling and incineration as part of the review and, in particular whether the Panel investigated –

- (i) the assumed composition and quantity of recyclables were the Island to achieve 60% recycling,
- (ii) the probable value of those materials, less the cost of shipping and any treatment necessary,
- (iii) the cost of incinerating the above materials, including ash disposal and amortisation of plant costs.

If the Panel did research these issues, would the Chairman set out the results of the Panel's research, with particular emphasis on comparing the economics of recycling versus incineration?

Answer

- (a) The terms of reference of the Waste Recycling report did not include a comparison of residual waste treatment facilities. However the Panel has an active interest in the alternatives to mass incineration and will organise a presentation to States members and others well in advance of the States debate to determine the technology for future residual waste disposal in Jersey.
- (b) This has been answered in part (a). However, the Panel has requested information from the Transport and Technical Services department (in July 2007) on the cost of incineration and is still awaiting a response on which to make a meaningful economic comparison between recycling and incineration.
 - (i) The composition of recyclables, were the Island to achieve a 60% recycling rate, depends on the materials targeted within the waste stream. For example just recycling all paper and all kitchen waste would achieve a rate between 55 and 60%. It is more likely that a wider range of materials would be considered and that the mix will vary over time as consumer habits change.
 - (ii) The Waste Recycling report provides indicative prices based on May 2007 for the most common recyclable materials (P.89). The total value of recyclable materials depends on the relative quantities available. Shipping costs were given by two separate local operators and are shown on page 88 of the report. The cost of treatment depends on the method of collection and requirement for sorting. During the course of its research, the Panel investigated various types of treatment plant and relative costs.
 - (iii) As set out above, the Panel is awaiting this information from the Transport and Technical Services Department.

When the Panel receives the detailed analysis of existing and projected incineration costs a comparison of the economics of incineration versus recycling will be undertaken.

2.4 THE MINISTER FOR HEALTH AND SOCIAL SERVICES BY DEPUTY R.G. LE HÉRISSEUR OF ST. SAVIOUR REGARDING PRIVATE CARE HOME COSTS:

Question

What have been the costs to date, if any, in 2007 of accommodation for residents who have been transferred from Overdale to private care homes? What is the cost per week for residents occupying places in private care homes and when will the wards at Overdale, currently accommodating residents due for transfer, be closed down?

Answer

The Deputy will be mindful of the planned closure of Leoville and McKinstry Wards at Overdale and the transfer of patients to private sector nursing homes in 2006. The transfer of the first cohort of twenty five continuing care clients has been the subject of numerous statements from myself and of course, the issues were fully explored by the Social Affairs Scrutiny Panel – an exploration which is fully described in the resultant report entitled ‘Overdale; the closure of Leoville and McKinstry Wards (S.R.1/2007)’. The Deputy will also be mindful of my comprehensive and forensic response to that Social Affairs Scrutiny Panel Report. In that response of mine I drew attention to the plain and demonstrable fact that the transfer of clients to the Silver Springs Care Home was a result of detailed planning, a comprehensive assessment of the various competing options, was guided by senior health care professionals and was informed by the wishes and needs of the clients themselves and their families.

During the Scrutiny Panel’s deliberations my officers and I placed before the Panel members a full analysis of the costs and benefits of the transfer of clients (the first cohort) to the Silver Springs Care Home. This included information of a commercially sensitive nature – information which the Panel rightly considered in closed session. I remain convinced that the transfer of clients to the Silver Springs Care Home achieved the maximum benefits for the clients themselves and demonstrated best possible value for money for the taxpayer. To date the costs incurred by the States of Jersey in 2007 for these clients remains within the limits as specified in the business case which the Scrutiny Panel had sight of during its deliberations.

More to the point, it is right that the Deputy asks for a progress report on the transfer of the remaining clients (of both residents and users of the respite service) which remain at Leoville and McKinstry Wards.

As to respite facilities, I am very pleased to advise the Deputy that four nursing respite beds are now provided from the Little Grove Nursing Home an arrangement which came into effect in January 2007. The response from clients is that this respite service is now delivered to a far higher standard and there is a high level of satisfaction with it from clients and their carers. In addition to this, two residential respite beds are provided from the Pinewood Residential Home an arrangement which came into effect in April 2007. Again, these services are highly valued by clients and their carers. Additionally a seventh respite bed is purchased on a spot purchase basis dependent on whether the need is for a residential or nursing bed. We will analyse the use of this bed over the first nine months of operation to determine whether when we seek a contract for this bed it should be to a nursing or residential facility. The cost of these respite services is commercially sensitive but I am very willing to disclose these to the Deputy on a confidential basis to demonstrate good governance and value for money. If he would like a detailed brief on this matter than might I suggest he contact my Chief Officer so that the arrangements can be made.

2.5 THE MINISTER FOR EDUCATION, SPORT AND CULTURE BY DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR REGARDING YOUTH PROVISION IN TOWN:

Question

What progress, if any, has been achieved with the proposals to have a ‘floating’ youth club and a town skateboard park and when are they likely to materialise?

Answer

The importance of maintaining youth provision in the Waterfront/Weighbridge area was recognised in the States Strategic Plan 2006 -11. One option that was considered was a proposal to develop youth provision on a lightship in Jersey harbour. This was in response to the potential closure of the Move on Café in the old Harbour Offices on the Waterfront and a recognition that it would be difficult to secure appropriate alternative premises for the continuation of youth work in that area of St. Helier.

As planning was underway for the lightship development, the Department for Education, Sport and Culture received information from the Parish of St. Helier that the development company with responsibility for the 'Island Site' had indicated that it might be prepared to offer the Parish a medium term lease on the premises and that, if the lease could be secured, the Parish would be prepared, as part of its agreed youth partnership with the Comité des Connétables, to enter into a partnership with the Department for Education, Sport and Culture to retain the building for youth provision.

In view of this, officers of the Parish of St. Helier, Department for Education, Sport and Culture, and Planning and Environment have been working on a proposal which would be acceptable to all parties to secure continued youth work from those premises.

Several sites had been considered for the provision of a skateboard park. The agreed option is now to develop a facility on the Waterfront on top of the Waterfront car park adjacent to the green grassed area. Meetings have been held between the Chief Minister, Department for Education, Sport and Culture, Planning and Environment, WEB and Hopkins Architects to identify a suitable design in keeping with the overall concept of the Waterfront development. Architects are currently drawing up outline plans to determine and identify a design to fit the purpose. This will include other long-term youth facilities. The outcomes of this process will be completed before the end of 2007.

2.6 THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR REGARDING BUS PHONE TEXTS:

Question

What have been the itemised costs to date of introducing a mobile phone texting service for bus arrival times?

Answer

The SMS text messaging system, which is due to be launched at the beginning of next month, is an added benefit from the installation of the Real Time Passenger Information system in the new Liberation Station bus station. It will provide real time information via the text messaging service on mobile phones for bus passengers anywhere on the Island.

The one-off costs associated with installing this system are -

	£
Software purchase and configuration	15,600
Paint marking of bus stops with text short codes	21,000
Set up costs for short code	750
Set up costs for mobile company	1,000
TOTAL	£38,350

The annual running costs are -

	£
Aggregator service charge	9,000
Short code rental charge	15,000
Annual licence fee for software	1,200
TOTAL	£25,200

Expressions of interest have already been invited from clients who may be interested in taking advantage of spare space on the text messages to advertise their products. The intention is that this advertising revenue will cover the revenue costs and contribute towards the one-off set up costs.

2.7 THE MINISTER FOR HOME AFFAIRS BY DEPUTY S.S.P.A. POWER OF ST. BRELADE REGARDING THE FUTURE OF THE WESTERN FIRE STATION

Question

On Page 179 in the Annex to the Business Plan, there is a reference to the Western Fire Station, La Route des Quennevais, St. Brelade suggesting its possible closure. In view of the fact that the Western Parishes have had a number of serious fires in the past 12 months, including a very serious headland fire incident close to HMP La Moye, at La Moye Point, that lasted many days and there are approximately 1,200 new units of accommodation due for completion in the five Western Parishes in the next 12 months, would the Minister state whether any decision has been made to close the Western Fire Station, and, if so, explain the reasons for this?

Answer

There are currently no plans to close the Western Fire Station. Until recently, discussions between senior managers from the Fire and Rescue Service and the Airport had been in progress with regard to the sharing of fire station facilities for both Services as part of a broader project of development at the Airport. A successful conclusion to these discussions would have resulted in the current Western Fire Station site becoming available however, a number of factors associated with the proposed new facilities at the Airport and the Fire and Rescue Service’s ‘Risk Profile’ of the whole area have led to a joint decision not to pursue the initiative further. Indeed, a programme of refurbishment for the Western Fire Station is currently being considered by Fire and Rescue Service managers.

2.8 THE MINISTER FOR TREASURY AND RESOURCES BY CONNÉTABLE A.S CROWCROFT OF ST. HELIER REGARDING FUNDS FOR THE MILLENNIUM TOWN PARK:

Question

Would the Minister give a detailed breakdown of how funds allocated for the construction of the Millennium Town Park have been managed since the inception of the project, including interest accrued on these funds? Would he also state whether the sum of £500,000 from these funds has recently been allocated by the Council of Ministers to the Transport and Technical Services Department for landscaping works on Victoria Avenue, to be repaid at a later date, and, if so, would he give a full explanation?

Answer

I attach below a breakdown of the Town Park funds to date. I can also confirm that agreement has been reached with the Ministers for Transport and Technical Services and Housing to facilitate a £500,000 scheme for improvements and landscaping on Victoria Avenue in 2007, which will then be repaid in 2011. I can advise that the temporary transfer of funds from the Town Park project was only considered after it was confirmed that this would have no effect on the timescale for delivery of the scheme.

	Amount £000s	Comments
Approved Budget		
Millennium Fund Capital Allocation (1998)	1,228	Part of £2m total allocation
Planning Vote Allocation (2005)	190	Approved by Finance and Economics

		Committee 27/1/05
Capital Allocation (2007)	800	States Annual Business Plan 2007 – 2011 (September 2006)
Funds Available to date	2,218	
Proposed Additional Budget Allocation		
Inflation re Millennium Allocation	400	Inflation approved in principle by Finance and Economics Committee 27/1/05 - amount to be confirmed
Transfer to Victoria Avenue Scheme	(500)	Agreed by Council of Ministers
Proposed Capital Programme 2009	2,000	Draft States Annual Business Plan 2008 - 2012
Proposed Capital Programme 2011	500	Draft States Annual Business Plan 2008 - 2012
Total Proposed Budget	4,618	
Expenditure to 7/9/2007	509	Feasibility studies, ground investigation works, etc.
Balance Available	4,109	

2.9 THE CHIEF MINISTER BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE COSTS OF A NATIONAL GALLERY:

Question

Would the Minister advise, in relation to the proposed ‘National Gallery’ –

- (a) whether a business plan has been completed;
- (b) the likely capital cost;
- (c) the estimated annual maintenance costs;
- (d) the estimated annual running costs;
- (e) whether the public will be consulted as to whether they want such a facility?

Answer

Education, Sport and Culture is the States department charged in the Cultural Strategy with responsibility for championing the arts and our Island heritage. Following publication of drawings showing what a gallery might look like at the Weighbridge, I can confirm that work is currently being undertaken by the department. Its purpose is to set out sufficient detail to enable the production of a business plan.

Because that plan has not yet been produced, it is too early to comment on the specific issues raised in the question but I confirm that consideration of those issues will, as one would expect, form an important part of the plan. As importantly, the plan will address not only the costs involved but also methods of providing for those costs, in particular through the involvement of the private sector. Before I took forward any such proposals, I would wish to be satisfied that the data provided was robust, and that resources were available to provide for the on-going costs of operation, as well as for the capital cost.

As I have indicated, the proposals, such as currently exist, are at an early stage of development. A number of stakeholders have contributed views thus far, and I am also grateful to the Minister for

Economic Development for the support of his department in agreeing to assess the economic potential of such a facility to the Island. When more information is available on the gallery as a whole, it will be important that the detail is available publicly so that views can be expressed and taken account of.

2.10 THE MINISTER FOR HOME AFFAIRS BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE POLICING OF JERSEY LIVE:

Question

With regard to the policing of 'Jersey Live' would the Minister advise –

- (a) the number of local States of Jersey Police officers present,
- (b) the number of officers brought to Jersey especially for the event,
- (c) the total cost of the exercise,
- (d) the cost of the officers brought in.

Answer

- (a) The States of Jersey Police are not releasing the total number of local police officers who were present at Jersey Live as releasing this information would compromise the operationally sensitive aspects of policing the event.
- (b) The total number of mutual aid officers was 33.
- (c) The total cost of the exercise is unknown at this stage as all costs incurred have not been received.
- (d) The cost of the mutual aid officers is unknown at this time as not all the associated charges (invoices) for policing the event have been received.

2.11 THE MINISTER FOR TREASURY AND RESOURCES BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE IMPACT OF G.S.T. ON STATES DEPARTMENTS:

Question

Further to my written question of 16th July 2007, in particular part (c), would the Minister inform members whether many of the goods and services bought in by States departments will rise in cost once G.S.T. is introduced and, if so, would he estimate the value of those goods and services liable to G.S.T. at 2007 prices?

Answer

G.S.T. registered businesses must treat all supplies of goods and/or services to the States in the normal way (the States does not enjoy any special relief or preferential treatment).

The G.S.T. Law requires the States to be registered for G.S.T. and classifies the States as a single entity, including any Minister, Department or administration of the States.

As a G.S.T. registered entity the States will be able to reclaim any G.S.T. it incurs on any goods and services (including imports) that relate to making taxable supplies. In addition, it will be able to reclaim the G.S.T. incurred in performance of any States statutory requirements.

As a consequence, the States like any other G.S.T. registered entity, will not face any increased costs directly as a result of being charged G.S.T.

This means that the cost to the States of providing both statutory services, and goods and services supplied in the course of, or furtherance, of business will not be affected by G.S.T.

2.12 CHAIRMAN OF ENVIRONMENT SCRUTINY PANEL BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING FUTURE REVIEWS:

Question

Would the Chairman give an update of the Reviews his Panel is currently conducting, how long they have been on-going and when they are due for completion?

Answer

The Panel has just completed its Design of Homes review and the Report is with members today. A further review into Design of Homes relating to waterfront developments has been agreed in principle and the terms of reference are being refined.

The Panel is developing its work programme and having approved its Air Quality Review terms of reference is due to appoint an advisor before the end of September. The Panel is awaiting the release of the Integrated Transport Strategy consultation document and the Energy Policy consultation document following which a decision will be taken as to the level of scrutiny required for these two proposals.

In addition the Panel is undertaking follow up work to its Waste Recycling Review and a number of public meetings have been arranged to advise of its findings and conclusion.

2.13 THE MINISTER FOR HOME AFFAIRS BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE POTENTIAL USE OF TASER GUNS BY THE STATES OF JERSEY POLICE:

Question

With the stated aim of the States of Jersey Police to obtain TASER stun guns (Thomas A. Swift's Electric Rifle), will the Minister –

- (a) give the reasons behind the desire to have such devices in Jersey, and advise whether she is aware of the doubt over their effectiveness, the potential for abuse and the alleged number of deaths attributed to such devices?
- (b) explain what, if any, consideration has been given to the effect that the deployment of such guns may have on police relations with the public?

Answer

- (a) Jersey strives to comply with obligations under Article 2 of the Convention on Human Rights: the right to respect for life. This additional tool provides for another less lethal option which can be deployed when encountering people who are a physical danger to themselves, officers or members of the general public, without having to deploy full lethal force.

The technology was first used in the mid seventies in the USA, and Electronic Control Devices (ECDs) were given project status by the U.K. Home Office in 2003, and then used on the streets in the U.K. from 2004. They are now in widespread use in the U.K., although only to be used by trained firearms officers in Jersey.

At present the States of Jersey Police have a full firearms capability. They have at their disposal a number of conventional firearms including semi-automatic pistols, MP5 carbines, Accuracy International rifles both 7.62 and .243 calibre and Remington 870 pump action shotguns used for the delivery of specialist munitions and animal destruction.

The police use a Conflict Management Model (CMM). Authorised Firearms Officers (AFOs) have to take in to consideration a range of less lethal options before resorting to lethal force. (That is to say they must have been tried and failed or in the circumstances unlikely to succeed.)

The less lethal options are -

Officer's Presence.	
Communication Skills	Talking to subject
Primary Control Skills	Physical restraint i.e. handcuffs
Secondary Control Skills	C.S Spray
Defensive and Offensive Skills	Open handed techniques; Asp Baton strikes; dog; Launcher (Baton Gun)
Deadly Force.	Firearms

Within these options an ECD (of which the TASER is a brand name of one particular model) would be introduced as a secondary Control skill level. The effects of ECD are confined purely to the delivery of the voltage. There are no post traumatic injuries associated with ECD, unlike CS spray, ASP baton and Launcher baton gun strikes.

In addition ECDs provide for better officer safety as they can be discharged at up to a distance of 21 feet. The CS spray has an operational effectiveness of approximately 12 feet and with the ASP baton the officer needs to be within arms reach. The Launcher baton gun has a documented operational effectiveness of 20 meters however in instances where it has been discharged and the subject has been wearing heavy clothing or under the influence of drink or drugs or indeed both it has provided no more than a distraction.

At present if the subject is in a building then the Launcher baton gun cannot be deployed because of the ricochet dangers and so the available less lethal options are reduced. In addition the target area of the body at which the Launcher baton gun can be aimed is restricted to the belt buckle, should the subject be seated behind a desk or intentionally or otherwise obscure their abdomen then the launcher baton gun cannot be used. There are no such restrictions with ECDs.

The ECD relies on the fact that it induces Electro-Muscular Disruption which causes loss of some voluntary muscle control resulting in the subject falling to the ground or 'freezing' on the spot, incapacitating the subject for as long as the ECD (electrical charge) is being activated. It is not intended, nor is it likely to render the subject into a state of unconsciousness and the effects are likely to be instantaneous.

The States of Jersey Police have adopted the Home Office Codes of Practice on the Police use of Firearms as 'Good Practice' and all of the training and operational deployments of firearms are conducted in accordance with the ACPO Manual of Guidance on Police Use of Firearms and the National Firearms Curriculum. There is no room for abuse in any of the tactics that described in any of these documents. The proposal locally is that only trained and recognised AFOs are deployed with ECDs being amongst a number of options, in line with the standard

firearms authority (authorised at ACPO level) – officers on routine patrol will not be carrying ECD equipment.

In a press release on 31st August 2007 Amnesty International are quoted as saying –

Amnesty International believes that TASERS (ECDs) can only be used if:

- TASERS (ECDs) are only used as an alternative to lethal force where situation presents an immediate threat of death or serious injury to officers or others
- Officers carrying TASERS (ECDs) are trained to firearms standards on an ongoing basis
- Roll-out is highly restricted and then only to specially trained officers
- The Home Office has demonstrated how the use of TASER will be consistent with its obligations under international human rights guidelines and what policies and procedures are in place to prevent misuse of electro-shock weapons.

Deployment in Jersey will be in compliance with all these points.

There are no known deaths that can be attributed **directly** to the use of ECD. There may however be some deaths which have occurred as a result of poor after care i.e. positional asphyxia. SoJP officers are trained in First Aid and AFOs will be trained in the specialist aftercare required, as will Custody Staff. During the development of a firearms incident it is a standard option to deploy paramedics to the scene, this would include the use of ECD.

The electronic charge of the ECD is well within the safety limits to have any effect on the heart. It has been deemed as totally safe, for example, with persons who have an electronic pacemaker fitted.

“The risk of life threatening or serious injuries from the M26 advanced TASER appears to be very low.” DOMILL report August 2004.

“The risk of a life-threatening event arising from the direct interaction of the currents of the X26 TASER with the heart, is less than the already low risk of such an event from the M26 Advanced TASER.” PSDB report March 2005. (X26 TASER is the second Model currently in use in the U.K., M26 Advanced was actually the first).

- (b) Fatal shootings involving police officers attract a huge amount of public and media attention. They are expensive in terms of human loss and injury, trauma, public enquiries, independent investigations. The impact on a small community such as Jersey would be significant. Deployment of ECD equipment is designed to reduce the possibility of fatal police shootings and preserve officer safety as well as maximise the protection afforded to the general public. It should be re-assuring to the general public that the Police have access to such equipment.

The general public will also be re-assured that Jersey’s compliance with the Convention on Human Rights will be enhanced as a result.

2.14 THE MINISTER FOR HOME AFFAIRS BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT REGARDING THE ISSUE OF FIREARMS CERTIFICATES BY THE STATES OF JERSEY POLICE:

Question

With regard to the processing of firearm certificates by the States of Jersey Police (SOJP), will the Minister –

1. (a) advise how many renewals/variations have been processed in each of the last three years.

- (b) the average time taken to process each one,
 - (c) the average time taken to process the slowest quintile.
2. Inform members whether the SOJP have stated that anyone without a valid certificate, notwithstanding the fact its expiry is due to processing by the SOJP, will be prosecuted, and, if so, state what action, if any, she intends to take regarding this matter?

Answer

1. (a) From 1/7/04 – 1/7/05 = 257
 From 1/7/05 – 1/7/06 = 348
 From 1/7/06 – 1/9/07 = 854.

The 2000 Firearms Law allowed for five year licences and included firearms not previously licensed such as shotguns and air rifles. This is why there has been a disproportionate number of renewals to process within the last 12 months. It should be noted that a reminder is generated by the Central Firearms Index (CFI) three months before any certificate expires and this is sent to the Connétable of the relevant Parish. Previously reminders were sent two months before expiry but this has been amended to give certificate holders maximum notice. Between November 2007 and March 2008 there are 360 certificates scheduled to expire and this will cause additional demands on workloads in CFI.

(b) and (c)

To go through the three years of records manually to analyse this information would create approximately two weeks of work in the Central Firearms Index and would prevent any applications, renewals and variations being processed for that time, so causing avoidable delay to the administration procedures. However, we have analysed the most recent batch of 34 certificates currently awaiting issue –

- It was found that the average time taken for completed applications to reach the Central Firearms Index from the applicant was 12.3 days. The slowest 20% took an average of six weeks to arrive at Police Headquarters from the date the form was completed by the applicant.
- On average, Police National Computer (PNC) checks had been completed on these applicants just eight days after the form was received by the Central Firearms Index. The slowest 20 per cent took an average of 17 days before PNC checks were completed.
- On average, processed applications are returned to the relevant Parish Hall in about 18 days following the completion of the PNC checks. This gives a complete turnaround time within the Central Firearms Index for Firearms certificate applications of about 26 days (including weekends).
- The processed application is returned to the appropriate Parish Hall who then complete the process of issuing a firearms certificate. States of Jersey Police do not have details of the average time taken by each Parish to issue a firearms certificate following receipt of the necessary documentation from the Central Firearms Index. It is not therefore possible to answer the question as to how long it takes to process an application. What can be stated, however, is that the Central Firearms Index at Police Headquarters is currently performing its part of the process from start to finish in about four weeks.

2. The matter of prosecution is not a matter for the Home Affairs Minister or the States of Jersey Police, this is for the 12 individual Parishes and Her Majesty's Attorney-General. The Police have been asked by the firearms community about their legal position should there be a time gap between certificates expiring and being renewed. There are no transitional arrangements in the Firearms (Jersey) Law 2000 to deal with this anomaly. Technically firearms certificate holders would commit offences of possession of firearms and/or ammunition without valid certification and would be liable to be reported to their respective Parishes for consideration of prosecution.

This has been discussed at a recent Firearms Law Liaison Group Meeting where the minute extract is as follows –

(iii) In response to a question about delays in receiving FA certificates, DCI Minty explained that –

- There were large volumes of applications, renewals and variations being processed through CFI and they were being prioritised in order of expiry date so as to try and ensure seamless renewal. This would have been why the enquirer's FAC was not dealt with when first submitted but processed closer to the expiry time.
- The CFI have been instructed not to backdate any FAC s .The FJL provides for no transitional arrangements between the expiry and renewal date if there is a gap.
- Technically persons in possession of firearms or ammunition without a valid certificate are in unlawful possession of firearms. FAC holders are duty-bound as responsible citizens to ensure that all their certification is valid to cover their activity, thus anyone who has not received their FAC renewal on time, should arrange for their firearms and ammunition to be lodged with the SOJP, otherwise they could be prosecuted.
- It was considered there was an individual responsibility to address concerns with the Connétable in the first instance. Prolonged delays could be taken up with AL, who will follow these up.
- Consideration to be given to a fast-track process. Police to consider implications to CFI for emergency requirements.

Secretary's note: Since the meeting DCI Minty has been asked to clarify the position regarding prosecution of FAC holders under these circumstances. DCI Minty has advised that each case which comes to attention will need to be dealt with on merit and the police duty to report offender/s remains, whilst the disposal of these cases relies on the Honorary Police (Duty Centenier) in each Parish who will be asked to consider the facts.

3. Oral Questions

3.1 Deputy G.P. Southern of the Chief Minister regarding the effective scrutiny of the Annual Business Plan:

Will the Chief Minister explain to members why the figures given in his presentation of the Annual Business Plan 2008 in March 2007 in order that Scrutiny Panels had sufficient time to properly scrutinise departmental plans, were not the final figures therefore rendering effective scrutiny, such as in the case of the Economic Development, impossible?

Senator F.H. Walker (The Chief Minister):

The presentation to States' members on 23rd March 2007 represented the provisional cash limits for departments for the draft Annual Business Plan 2008. At the presentation it was made abundantly clear that these proposals were complete except for pay and price variations which might arise from the release of the March 2007 R.P.I. (Retail Price Index) on 18th April 2007. Members should also be aware that the substantive changes to the Council's proposals in March to

those lodged on 17th July are in respect of pay and prices, the only exception being in Social Security which was primarily to reflect the changing profile of the Income Support Transitional Relief.

3.1.1 Deputy G.P. Southern:

I find it hard to believe that answer. What I have in front of me are figures for 2008 which showed in March a £750,000 transfer out of rural economy funding and a £750,000 transfer out of tourism and marketing into other sectors which now no longer exist. I am informed that these figures are not to be relied on in any way whatsoever and that the actual figures have changed completely from March. Can the Minister account for why that big difference should be there?

Senator F.H. Walker:

I would ask the Deputy to furnish that information. I assume that he has already taken it up with the Economic Development Department or the Economic Development Minister and if he has not, I do not know why he has not. It is also possible that the Deputy is unaware of the very constructive meeting that I and other Ministers held with the Chairmen's Committee Working Group, this is a joint Working Group to consider scrutiny of the Business Plan in which we made a great deal of constructive progress, agreed that the process needs to be improved and agreed a number of ways in which it will be improved. That, of course, is the way forward.

Deputy G.P. Southern:

If I may? Of course and indeed I have taken this up with the Minister for Economic Development and I am now confident that these figures which were presented in March were absolutely not to be relied on and bore no connection with what thinking in the Economic Development Department was. The question is why were these absolutely misleading figures presented as if they were close to the final figures when in fact nothing could be further from the truth?

Senator F.H. Walker:

Well, Sir, that is the Deputy's opinion and of course the important issue here is that the figures presented in the Business Plan are fully accurate and up to date. I have yet, as I have said, to see any information from the Deputy so I cannot comment on his comments, but as I say, I hope that he has taken them up with the relevant Minister and his department. But I would ask the Deputy now to focus on improving the scrutiny process as his own Chairmen's Committee representatives wish to do and working with Ministers to ensure that we do improve it and we get it right, and better than we have done in future years.

3.1.2 Deputy G.P. Southern:

Can I press the Minister to ensure that in the coming year figures presented six months before the Business Plan are more accurate and more accurately reflect what is planned than the figures which were presented in March of this year?

Senator F.H. Walker:

That will depend on the timing of course, and I would repeat that the emphasis at the presentation made it very clear that these were provisional figures. Now if members want, if the Deputy wants information as early as possible which I wholeheartedly support - then unfortunately if we are working months before the final figures are concluded, there will be a provisional aspect to them and some of them may well change. So I cannot give that guarantee. What I can guarantee is that any figures that are provisional will be clearly stated as provisional.

3.1.3 Deputy A. Breckon:

I wonder if the Chief Minister would like to comment on the Business Plan in general. The policy and headings, would he agree that in fact most of that is movable, not just within a department, but

across departments and Ministers? The policy and headings within departments and across departments, the resource, the money and the manpower is in fact movable. Would he agree with that?

Senator F.H. Walker:

Is it movable within departments? Yes, Sir.

3.2 Deputy D.W. Mezbourian of St. Lawrence of the Minister for Planning and Environment regarding the preservation of oak trees at Goose Green Marsh:

Will the Minister explain how the Tree Preservation Order on two roadside oak trees at the Goose Green development will guarantee their protection?

Senator F.E. Cohen (The Minister for Planning and Environment):

I should firstly clarify that the term "Tree Preservation Order" is a remnant of the former 1964 Island Planning (Jersey) Law. The new 2002 Planning and Building (Jersey) Law provides for a list of protected trees. Thus under this law the 2 roadside trees at Bel Royal are included on this list and are therefore deemed to be protected trees. Under the provisions of the new law, the Minister's permission is required to cut down, lop or otherwise alter, harm or interfere with trees which are included on the list of protected trees. To do so without consent represents an offence. In other words the protection of the two protected oak trees at Bel Royal is guaranteed insofar as an application needs to be made to undertake any work to them or to fell them. Any application will be dealt with by me personally.

3.2.1 Deputy D.W. Mezbourian:

If I may? I understand that there was no environmental impact assessment carried out on the environment at Goose Green before the development permission was given. Had one been carried out I am sure it is likely that the row of oak trees would have been retained. Nevertheless, in retaining two of them, they will impact upon the road changes that have been approved for the development to go ahead and I would like to ask the Minister who will make the ultimate decision as to which will prevail here? Will it be Environment, by retention of the trees, or will it be a decision made by the engineers at Transport and Technical Services that they should be removed, after which the Minister will then make his final decision?

Senator F.E. Cohen:

I think I can simply answer the question by saying that the Deputy has my absolute guarantee that those trees will remain in place.

Deputy D.W. Mezbourian:

May I thank the Minister for that, Sir?

The Deputy Bailiff:

We come to a question which Deputy Southern will ask of the Minister for Treasury and Resources.

3.3 Deputy G.P. Southern of the Minister for Treasury and Resources regarding effective tax rates for the financial services industry:

Following his response to a question on 16th July 2007, will the Minister reveal to Members the amounts and effective rates of tax charged to profits for the five subsectors of the financial services sector, along with their comparative figures for all 11 sectors of the economy for the latest year for which he has data, and estimate what impact the advent of Zero 10 will have on these figures?

Senator T.A. Le Sueur (The Minister for Treasury and Resources):

As I indicated to the Deputy in an email over the weekend, this question will take significant research and cannot be answered at present. I should hate to give him an incomplete or inaccurate answer, but I have instructed the Comptroller of Income Tax to undertake the research and will give the Deputy an answer at the earliest opportunity.

Deputy G.P. Southern:

I thank the Minister for his answer and look forward to his detailed answer.

3.4 Deputy J.A.N. Le Fondré of St. Lawrence of the Minister for Planning and Environment regarding the signature of a Ministerial decision:

Given the assertion to this Assembly during the debate on 2nd May of P.49/2007 - and I have abridged that, Sir - which is the Committee of Inquiry debating Goose Green, that the decision to grant planning permission had already been made, could the Minister confirm what date he physically signed ministerial decision number MDPE 2007(065) which bears the date 21st March 2007?

Senator F.E. Cohen (The Minister for Planning and Environment):

I physically signed the relevant ministerial decision on the morning of 4th May 2007. I appreciate that there has been a level of debate over when a planning decision takes place, however, I have taken advice from the Law Officers and am satisfied that this decision was made on the day I instructed the planning officers to write up the consent, and that was on 21st March 2007. On 21st March I instructed the planning officer to write up the consent for 102 homes, together with various associated works, subject to finalisation of conditions and to a requirement that the applicant should enter into a planning obligation agreement. I appreciate that the ministerial decision supplementary guidelines state that a ministerial decision will only be made when the decision is signed, however, I am assured that this is not the determining factor in the case of planning decisions. Under the Planning and Building Law, the word “decision” takes on the common English usage, and, accordingly, my decision was made when I reached my conclusion and/or made up my mind to grant planning permission. The fact that I signed the ministerial decision on 4th May 2007 does not, and cannot, undo my original decision made on 21st March. The ministerial decision signed on 4th May is only a document recording a decision I had taken on 21st March. The period of time between 21st March and 4th May was essential in order to enable the preparation of my detailed report on the application and to finalise the wording of its contents. I would point out to the House that at all times I have kept the Parish Connétable and Deputies fully informed. I have provided them with notification of my decision of 21st March and I have provided them with draft conditions during the preparation of my report. Furthermore, I continue to provide them with the notes of the weekly site visits that I have instructed my officers to undertake to ensure compliance with the planning conditions. The matter is now the subject of a public inquiry at the suggestion of the Connétable of St. Lawrence, and I hope that the House will feel that it is now appropriate to confine further examination to that Inquiry.

3.4.1 Deputy J.A.N. Le Fondré:

I would add the point that I am not having a go for political reasons. It is purely for an objective measure, to ensure that due process has been followed. I do not really want to get into a major legal argument as to when a decision had been made, although it is my understanding that a decision that is conditional upon something is not a decision in law. However, I do have a problem with the statement the Minister made towards the end, because it seems to completely ignore R.C.80/2005, which does require decisions to be dated on the date they are signed, and notes that decisions to be recorded will include the following: “a decision to grant consent or permission under statutory provision.” So therefore, on my reading of the process, the ministerial decision should have been dated 4th May and not 21st March. Can the Minister clarify, please, Sir?

Senator F.E. Cohen:

I think I have already clarified the matter in my previous answer.

3.5 Deputy J.A. Martin of St. Helier of the Minister for Education, Sport and Culture regarding G.C.S.E. exam results:

Would the Minister inform the Assembly how many Jersey students left school without any examination passes at the age of 16 or before that age? And, if this figure is added to the very good pass rate of our G.C.S.E. (General Certificate of Secondary Education) level students, how does Jersey then compare with other jurisdictions in educating the overall population?

Senator M.E. Vibert (The Minister for Education, Sport and Culture):

I would like to thank Deputy Martin for her question, because it is always nice to be able to say how well our young people are doing. In 2005, only six children, 0.6 per cent, left school with no examination passes. In 2006, 7 children, 0.7 per cent, left school with no examination passes. The 2007 data is not yet available. Compare that with the U.K. (United Kingdom). Across the U.K., 2.6 per cent of all children left with no examination success in 2005, and 2.2 per cent in 2006, compared with Jersey's 0.6 and 0.7 per cent. Deputy Martin asked about our G.C.S.E. results, and one of the key performance indicators for measuring G.C.S.E. success is the proportion of students achieving five or more A to C passes. For 2006, 67.8 per cent of Jersey students achieved this standard, compared to 59.2 per cent in the U.K.

3.6 Deputy K.C. Lewis of St. Saviour of the Minister for Health and Social Services regarding breast screening for women aged over 70:

Would the Minister advise whether senior citizens aged over 70 have to pay for breast screening, unlike younger women, and if so, will he undertake to address this anomaly and provide this service free of charge to everyone?

Senator S. Syvret (The Minister for Health and Social Services):

The advice I received from the Medical Officer of Health on this is that breast screening for women of that age is of limited diagnostic and clinical value. It is therefore generally reckoned and decided that more appropriate use of the resource of screening is to focus on younger women.

Deputy K.C. Lewis:

That is not my understanding of the situation, Sir. I have been contacted by many senior citizens who are worried about this. Ladies above the age of 70 are, by their very nature, retired, and are the least likely able to afford to pay for this service. Will the Minister correct this anomaly?

Senator S. Syvret:

Certainly my view is that the range of services - and there are a few - that people have to pay for at present, in respect to their secondary health care, should be free. That would be one of the objectives I would expect to see achieved as a result of the New Directions strategy. We do need, of course, to have adequate resources for health and social care, but I believe we need to be more focused on raising any additional monies required through some kind of social insurance scheme. I would, personally, prefer to see all of these diagnostic procedures and, indeed, other charges of secondary care, eliminated.

3.7 The Deputy of St. Martin of the Minister for Treasury and Resources regarding share transfer legislation:

Will the Minister advise members of the progress made, if any, in introducing the share transfer legislation, and whether still on course for inclusion in this year's budget?

Senator T.A. Le Sueur (The Minister for Treasury and Resources):

Progress, the Deputy will be pleased to know, is slow but ongoing. I have previously informed Members that this issue has proved to be far more complex than it appeared at the time when Projet 211 was passed. Nowhere in the States do we capture any information on share transfers, hence, it is not simply a case of sending a tax demand to a purchaser. Nonetheless, progress is being made, and meetings are being held with the Law Society as a result of which some changes have been made to our original approach, in that we now envisage assessing the individual purchases of shareholders, rather than the company. We believe that this is a workable solution, and officers will be working with the Law Draftsman and law drafting requests. The intention remains to bring a law draft to the States in December, as part of the 2008 budget proposals.

3.7.1 The Deputy of St. Martin:

As the Minister knows, I think I have been pressing for this ever since the States approved it unanimously, I think it was, way back in 2004. In a previous answer, the Minister said that he would be sending it out to consultation. A draft consultation process would go out about June-July. Is that able also to go out to States' members, including myself?

Senator T.A. Le Sueur:

I think, Sir, at this stage, that consultation with States' members would not be particularly meaningful, until we have agreed with the Law Society and the estate agents the *modus operandi* for doing this. I suggest that it may be simpler for the Deputy to come and discuss with the officers of my department and myself, the way which we are making this progress, in order that we can perhaps clarify or understand what we are trying to do, and then if he has any shortcomings, take them up with me at that time.

3.7.2 Deputy R.G. Le Hérissier of St. Saviour:

In the gloom and doom of the Minister's answer, can he tell us whether eventually he will be able to solve these problems, or is this going to be another one of these never-ending sagas?

Senator T.A. Le Sueur:

There will be a solution, but I cannot at this stage say it will be a solution as good as I would like, or members would have liked, because it is not a problem that is as simple to solve as members would like to think it is. Nonetheless, yes, there will be a solution, if imperfect.

3.7.3 Deputy A. Breckon:

I wonder if the Minister could give any indication how much he thinks this would raise, if at the similar level to other property stamp duty?

Senator T.A. Le Sueur:

At the moment it is still uncertain, but we have put into the Business Plan for next year and subsequent years the sum of £1 million a year.

Deputy A. Breckon:

That was my question. I was going to ask, would he confirm that each year that was delayed cost the taxpayer at least £1 million a year, and the answer is obviously yes.

Senator T.A. Le Sueur:

The answer is, certainly we would have a reduction in revenue of £1 million if this law is not introduced.

3.8 Deputy R.G. Le Hérissier of the Minister for Housing regarding the impact of granting more (j) category licences:

Would the Minister outline the issues, if any, that have arisen for the housing market by the granting of more (j) category licenses?

Senator T.J. Le Main (The Minister for Housing):

As I have previously stated, (j) category consents continue to account for a significant minority of property purchase, with about 92 per cent of consents are for properties being bought by people with full housing qualifications.

3.8.1 Deputy R.G. Le Hérisier:

Would the Minister agree that the liberalisation suddenly of the regulations led to a flood of well-resourced buyers on the market, and this has totally led to a blockage, particularly in the 2-, 3-, 4-bedroomed area?

Senator T.J. Le Main:

No, Sir, I do not agree with that at all. But I have to say that I am concerned at the overall ongoing demand and the lack of supply of homes in all areas of the market, and I am working currently very hard with the Minister for Planning in all areas of housing, in which there is a dire need right across the marketplace. But certainly the issue about J category purchases as highlighted erroneously by Deputy Breckon the other day, saying that 400-500 had been sold to (j) category, is totally erroneous.

3.8.2 Deputy R.G. Le Hérisier:

Would he confirm he is saying that the anecdotal feedback, from people like estate agents and so forth, is wrong, and that there is not a shortage of particular properties because of the sudden granting of a large number of (j) category licences?

Senator T.J. Le Main:

The feedback, or alleged feedback, by the estate agents, is totally wrong. The figures are quite clear. Let me just say to the Member concerned that the number of (j) consents for purchase from January to August this year has been 104 consents, out of a total of 1410. The same period, 2006, was 85 consents out of a total of 1,436, an increase of just 19. I have to say that the average (j) category purchase price for the second quarter of 2007 was £631,830, which is well above the average house price for the quarter of £388,000.

3.8.3 Deputy G.P. Southern:

Does the Minister accept that the increase in numbers and in the number of permanent (j) categories has led to an increase in demand, particularly for 3-bed housing and above, and that this increase in demand has not been matched by an increase in supply, therefore pushing up house prices in this category?

Senator T.J. Le Main:

The house prices, particularly between £400,000 and £1 million, have gone up dramatically because there is a lack of supply. Solely, there are too many people in all areas of the market chasing too few properties that are currently for sale. There is some blocking, and people are finding that they are not moving, but perhaps are putting on conservatories and additions to their properties. But the Planning Minister does realise that there is a huge shortage of property right across the market, including 1-beds in the town areas, that have a parking space. Very great shortage in that area as well.

Deputy G.P. Southern:

Point of clarification, Sir? Does the Minister accept that demand is increasing, supply is not, particularly in three-bed houses?

Senator T.J. Le Main:

Yes, I do, Sir.

3.8.4 Deputy R.G. Le Hérisier:

Does the Minister believe that the attempt to free up housing by encouraging more people to buy apartments or to rent apartments, has not worked?

Senator T.J. Le Main:

I am not sure that I have been encouraging people to buy apartments. But the issue is that I know very well that there many people in the marketplace at the moment who are sitting asset-rich with large family properties, and wanting to purchase smaller two-bed properties, particularly detached ones, and there is nothing in the marketplace, and of course there is a huge blockage of those family homes in the marketplace that otherwise could have been released for families.

3.9 The Deputy of St. Martin of the Minister for Home Affairs regarding policing costs for Jersey Live:

Given the withdrawal of P. 94/2006, which sought States' approval to introduce a new user pays charge for policing of commercial or profit-making events, will the Minister explain why the organisers of Jersey Live were charged for policing this year's event?

Senator W. Kinnard (The Minister for Home Affairs):

Following withdrawal of P. 94/2006, Ministers for Home Affairs, Economic Development and Education, Sport and Culture, met and agreed that Ministers should, in some circumstances, be able to charge for policing services, that there is a relationship between effective stewarding, honorary policing, and the States of Jersey policing costs; and that police plans should encourage effective stewarding arrangements to relieve the need for additional policing. It was also agreed that the proposition should be separated from specific issues around Jersey Live. This approach was generally endorsed by the Council of Ministers on 14th June. Further consultation has taken place with the Connétables and the Chefs de Police to finalise the new reporting proposition to be considered by the Council of Ministers. Moving to Jersey Live, States of Jersey Police were ready with their honorary colleagues to police an event over one and a half days within local resources, where there would have been no charge. It was a commercial decision of Jersey Live to stretch the festival to two days in the full knowledge of the requirement to pay for mutual aid, given that States of Jersey Police and honorary police resources were not sufficient to cover the two-day event. Sir, I want to say a huge thank you to the honorary officers who put in some 550 hours of time. The additional costs, of course, to States of Jersey Police in overtime, et cetera, will not be recovered from the Jersey Live organisers.

3.9.1 Deputy of St. Martin:

I thank the Minister for the answer, but will the Minister accept that on 21st September last year, at a meeting of the Council of Ministers to discuss P.94, the Council agreed that no user pays policing charges should be applied until the States had decided whether it would be appropriate, and therefore no charges would apply until at least 2007. Is the Minister sure that she is able to push those charges without States' approval?

Senator W. Kinnard:

The proposition, of course, that we want to bring back to the States would be the ideal in providing an express statutory regime that will give greater clarity and certainty, and in the absence of that regime, what we have now is a situation where all parties have to be amenable to an agreement. I do have in my hand the agreement that was signed by Jersey Live and ourselves. Indeed, the legal basis under which this was developed is covered by a number of pieces of legislation, which cover

my role as the Minister for Home Affairs, and indeed I can go into the details if the Deputy wishes, but I do not necessarily wish to take up the time of the States at the moment, but I do have all the various articles here, which in fact I did email to him on about three occasions in the last few weeks.

3.9.2 Senator B.E. Shenton:

I collected teenagers from Jersey Live on both nights, and I must say that the people up there were exceedingly well-behaved. I was not allowed to go because it would not have been cool for their dad to be there. I find that the policing was completely over the top and rather excessive, and was it not the case that it was a case of “pay up or cancel the event”? Would the Minister also confirm that she has no plans to charge the Air Display and the Battle of Flowers?

Senator W. Kinnard:

I also had youngsters at the event, and what I would say is that my main concern, both as Minister for Home Affairs and also as a parent, is the safety of those attending the event. I have to say, Sir, that some comments have been made about the suggestion that there were too many police. I have to say, Sir, that in the United Kingdom it is common for there to be “no go” areas for the police in the central arena of these events, and this is not something that I am prepared to sanction in Jersey. I think we can all agree, in fact, even the organisers said, that the event was a success, that the people who attended, they believed, got value for money, and I think that the safety and security of the event as a parent, knowing that my children can go and attend that event, and know that they will hopefully be able to attend it without anything untoward happening, I think is something we should be grateful for, and should take pleasure in rather than complaining about it.

3.9.3 Deputy G.C.L. Baudains of St. Clement:

Given the fact that the user pays system has not yet been approved by this Assembly, it does seem to me, that the Minister has been working around the system. She has told us it is an agreement between the organisers that has allowed this to happen. Could she, therefore, confirm that if the organisers had decided they would not pay, they would not have been charged?

Senator W. Kinnard:

The issue is that the commercial decision was taken by the organisers to extend the festival to 2 days, which meant that they knew from that moment on, that they were going to have to pay the actual cost of mutual aid. They freely signed the contract to agree that, and in fact they will be charged only for the actual costs when we have all the invoices in from our mutual aid assistance partners. They will not be charged anything greater than that, and it seems to me that perhaps some of the comments about the expense have been slightly wide of the mark.

3.9.4 Deputy S.C. Ferguson of St. Brelade:

I may be slightly wrong in the detailed figures, but I seem to remember last year we had 20-some Jersey States’ police and seven or so U.K. police at this event. If we needed 33 U.K. police this year, does this mean that the number of States’ police employed on it was significantly reduced, and again, how many Honoraries?

Senator W. Kinnard:

I do not have the figures for last year, but I have to say the figures quoted by the Deputy do not sound at all familiar. It was mentioned earlier on, I think, in the beginning of question time - I cannot remember whether the figure was given last year of the number of States’ police. I doubt it was given in open session, and I suspect that if the figure was given to States’ Members it would have been circulated in confidence. However, Sir, I am happy to check that and provide what further information I can. In terms of honorary officers, I am told that there were 34 honorary officers on the Saturday and 26 on the Sunday. I think I have already made it quite clear - or at least

it has been clear in the press - that there were 33 officers from Devon, Cornwall, Isle of Man, and Guernsey.

3.9.5 Deputy for St. Martin:

I could help the Minister. It was 61 officers last year, plus nine from outside. I have the figures here from last year. But, given the uncertainty, really, and one could almost feel that the organisers, if indeed they had chosen not to pay, would not have had to pay - we did not get the answer that Deputy Baudains asked. But, given the confusion, will the Minister give this House assurance that she will bring back a proposition similar to P.94, so the States can decide what should be charged and when it should be charged, and there will be transparency so people like Jersey Live do not feel they have a gun held to their head, either they pay up or they do not run a show.

Senator W. Kinnard:

Can I just reiterate? We offered to police this event for a day and a half. It was a commercial decision by the organisers to extend it to 2 days in the full knowledge that we could not police it within our local resources. Again, I say a huge thank you to the honorary officers who assisted us, because in fact they worked together to bring together officers from across the Island to reduce the costs of getting mutual aid from outside. But the decision was a commercial one in their full knowledge that we could not police the event within our own resources on the extra day, on the Sunday. Yes, Sir, I can give an assurance that a proposition similar to P.94 will be coming back to the States for the States to debate it as soon as the Council of Ministers has given it its full consideration.

3.9.6 Deputy J.A. Martin:

I really feel that the Minister is missing the point. In questions and even before P.94 last year, I can remember, and I will be getting the tape, that we were given assurances that nobody would be charged for policing unless it came to this House. As for it being a commercial decision, to hold it for the second day, we brought over 10,000 youngsters to Jersey, a new tourist age. Now, was it not, a commercial decision for the Battle of Flowers to have the moonlight parade at no extra cost, but also a lot of extra policing? That average age group attracts about 60-year-olds. Does the Minister not, in hindsight, think that this has been very short-sighted and that it should have been brought to the Assembly so that all States' Members could have had a say in this?

Senator W. Kinnard:

Let me make it clear. P.94, or the similar P.94, would allow for extra things of charging for policing, including perhaps some aspect of charging for imports that are necessary even to our honorary police colleagues, so it is much wider than the provisions that have been used in this circumstance. The legal basis on which Jersey Live has signed the agreement to pay for mutual aid is under the legal basis of the Police Force (Jersey) Law, which provides that the Minister can make an agreement for mutual aid from another force to meet any special demands on its resources, and it is that special mutual aid for which Jersey Live organisers are paying. They are not paying for any extra overtime, which costs we have had to absorb with States of Jersey Police. They are not paying for that; we are going to absorb that. So I think, Sir, that it is quite clear that the legal basis on which the contract here is set, signed by both parties, is perfectly sound. The proposition of P.94 goes much wider than the powers I have already existing under the States of Jersey Police Force (Jersey) Law, and indeed, under the States of Jersey Law.

Deputy A.D. Lewis of St. John:

Could I correct Deputy Martin? The event did not attract 10,000 visitors into the Island from outside. The majority of the attendees were local residents.

Deputy J.A. Martin:

I never said that. I said out of the 10,000 we attracted a younger age group from outside the Island.

3.9.7 Deputy J.B. Fox of St. Helier:

Recognising in policing terms that sometimes you have to bring in people from outside the Island, because we cannot rely on just bringing additional forces from adjoining counties or whatever, if the Minister recognises this, could the Minister explain whether it was considered to bring another proposition before the actual event, as with last year, or was that not taken to the House for consideration?

Senator W. Kinnard:

The decision was taken at the meeting between the Ministers, as I explained in my opening question, the Ministers for Home Affairs, Economic Development, and Education, Sport and Culture, that the issue of Jersey Live would be completely separate from the issues that we would be bringing forward in the equivalent of P.94, given that that was a much wider proposition. So this has been dealt with under existing legal powers that I have as the Minister, and I have to say that apart from the thanks to honorary officers, I really think that we ought to be giving some thanks to the States of Jersey Police. It was incredibly hard for us to get together a team to give us mutual aid, given that in the United Kingdom many forces had been stretched, particularly with the recent floods, and that they were very reluctant to release their officers to give aid to Jersey. The fact that we were working right up to the last moment to be able to provide those officers for this event to go on, I think, should be cause for the Members who support this event to give thanks and not to criticise as much as they are.

3.10 Deputy S. Power of St. Brelade of the Minister for Health and Social Services regarding the future use of the Overdale site:

Page 179 of the annex to the 2008 Business Plan, not 2007, refers to the Overdale Hospital Westmount St. Helier, and it refers to consideration of the partial release of the land to take account of Health and Social Services requirements. Would the Minister advise Members whether he considers that the whole of the Overdale site should be retained for Health and Social Services and should not be partially released or broken up? Thank you, Sir.

Senator S. Syvret (The Minister for Health and Social Services)

The whole of the Overdale site should be retained in Health and Social Services control and usage. I would point out that the part of the Business Plan in question that the Deputy refers to unfortunately was prepared and lodged without it being discussed first with the officers of my department, nor with myself. I can give the Deputy and the Assembly a categorical assurance that as far as I am concerned, and as far as the officers working on the strategic plans for the future of the Island's health service are concerned, there is absolutely no wish, desire, intention whatsoever to see any portion of this site sold off. We have, in fact, made this point many times in the course of the last 18 months perhaps, but for some reason we appear to be receding away from joined-up government and the Property Services Department never takes any notice.

3.10.1 Deputy S. Power:

Could I ask the Minister to further clarify, then, the phraseology that is used on page 179 of the annex, which refers to the partial release of the land, my interpretation of that is that it refers to the partial release of the land, having taken account of Health and Social Services requirements. Can the Minister confirm that none of that phraseology came from within his department?

Senator S. Syvret:

Yes, Sir, I certainly can. That phraseology has been used by those who have drawn up the plan and in particular that section which deals with property will largely have been driven by the Property Services Department. There is no prospect or need, or any advantage, in releasing land from that

site. For a variety of reasons it remains a very strategically important location for Health and Social Services, and maybe if we carry on saying this for a few more years Property Services might get the idea.

3.11 Deputy R.G. Le Hérissier of the Minister for Transport and Technical Services regarding the maintenance of the Rue des Prés Trading Estate:

Would the Minister identify what the schedule is for the maintenance of Rue des Prés Trading Estate and whether any plans exist to improve parking arrangements?

Deputy G.W.J. de Faye (The Minister for Transport and Technical Services):

Following significant budget cuts imposed on the Parks and Gardens Section of the Transport and Technical Services Department as part of a recent Fundamental Spending Review, that section has had to prioritise its workload, and visits to the Rue des Prés Trading Estate are now effectively branchage visits that take place, on average, about twice a year. Unfortunately, due to weather, this year one of the visits was missed as staff were diverted to other areas of higher importance in order to maintain standards that are in full view of the general public and visitors to the Island. However, the department is preparing to go into the trading estate in the next few weeks with a team of staff at the weekend to undertake general cleanup of the roadside verges. With respect to the parking, this has been reviewed many times between the department and the Parish of St. Saviour. Unfortunately, there is no obvious solution to deal with both the employees, visiting trades people, and the number of large works vehicles that regularly park on the roads. However, the road is due for resurfacing in about two years' time and the opportunity will be taken then to see if some of the footpaths and verges can be altered to provide some additional parking.

3.11.1 Deputy R.G. Le Hérissier:

Would the Minister not accept that by reducing it to branchage status he is causing considerable embarrassment to people like the Minister for Economic Development, who is bringing visitors to see the new high-tech Jersey and is up to his eyeballs in weeds, and crawling over parked cars to get to the entrances to offices? Does he believe that this is an ideal projection of Jersey in 2007?

Deputy G.W.J. de Faye:

I would certainly accept, that current circumstances mean that the Rue des Prés Trading Estate is not being shown off to its best. However, I am sure if the Minister for Economic Development was here, he would support the approach of my department, which has been to concentrate efforts on other areas, namely, areas that are more frequented by tourists, for example. But I regret that I have to remind Members that where we make cuts in budgets, there are consequences. The section of the department that deals with these matters has lost staff, and we simply do not have enough people to go around any longer. The effects around the Island are there to be seen. Weeds grow out of the edges of roads, and I, like many others, would love to be able to improve on things, but I am afraid that unless the States as a whole are prepared to find my department more money to deal with these matters, the situation will continue as it is, and indeed, I have to find another £170,000 worth of cuts in the Parks and Gardens Section over the next year. So it is going to get worse.

3.11.2 Deputy J.B. Fox:

Many years ago there was a traders' association that encouraged the cleaning out of the interior of commercial premises, which reduced many of the problems on the roads of parking, et cetera. I just wondered if the Minister would take on board seeing if the trading association still exists and might be encouraged to have a re-enactment, which might solve many of the problems that currently exist, it would appear.

Deputy G.W.J. de Faye:

I am always happy to explore any avenue of co-operation between my department, the Parishes, and residential trades associations, and I can assure the Deputy that I very much feel that has already been approached, and I will be happy to look at that again.

3.11.3 Senator J.L. Perchard:

The Minister, like so many of his colleagues on the Council of Ministers, is making regular public pleas for more money. I think, Sir, while I intend to ask a question, that will fall on deaf ears time and time again. We need to get to grips with the service provision that we are providing. Now, the Minister did say in answer to a question, that one of the slots was missed because the weather was not suitable, or appropriate. Does that mean that his department, or the Parks and Gardens, does not operate when it is not suitable weather?

Deputy G.W.J. de Faye:

I can assure the Senator that employees of Jersey Transport and Technical Services Department are not a namby-pamby bunch who are not prepared to go out in inclement conditions. In fact, quite the contrary. I have been consistently impressed by the ability of Transport and Technical Services workers to get out there and do their bit for the public under all weather conditions. They go out there and fix the problems caused by flooding, collapses, landslides, and so forth, and I take issue with the Senator as well. This is a Minister who does not whinge. My department has taken a very significant number of cuts over decades, in fact, far too many; and the result is that we are having a real struggle now to support the Island's infrastructure. I strongly suggest that we need to reflect upon the sort of work that my department is doing. I would be delighted to be extending the sewerage system; I do not have the money to do it. I am instead involved with repairs and maintenance. I would be delighted to improve the roads more than we are at the moment. We have got some money to do it, but we could do more. All we are doing, in effect, is standing still instead of allowing further deterioration. I will not go on, but that is the situation. This is not a department that is simply asking for more money for the sake of it. We need to support this Island's infrastructure. It is my department that does that, and we simply do not have enough money to do it properly.

3.11.4 Senator J.L. Perchard:

The Minister failed to answer my very simple question. He spoke for a long time; perhaps there is something to be learned from that. My question was: why was the slot missed? The Minister said because the weather was not suitable and the slot to cut the banks at Rue de Prés was missed by his department. Well, what is that? What is the significance of the weather?

Deputy G.W.J. de Faye:

Well, I am very surprised to hear that, coming from a former farmer. The significance of the weather has been due to very extensive rainfall. There have been lush conditions all around the Island which has meant extensive growth in vegetation, which means by import that the branchage situation which I describe, is now the real aspect of approach to the Rue des Prés Trading Estate, has had effect all around the Island, and simply, the Parks and Gardens Department have had an enormous amount of extra work to do with the enormous amount of growth of vegetation across the entire Island.

3.11.5 Deputy C.J. Scott Warren of St. Saviour:

I appreciate the funding problems with his department, but can the Minister please comment on the bad state of some areas of the pavements on the Trading Estate?

Deputy G.W.J. de Faye:

I think I alluded to this in my first answer. The reality is that a number of pavements and roadways around the Island are not in a condition that I would be happy with simply because of the growth of

weeds and suchlike. Now, this is a product of two key issues. One, the department no longer uses the type of pesticide that would have dealt with this problem because it is not approved any longer under environmental terms. Secondly, we simply do not have the numbers of staff required to go out and deal with these problems. Weeds, I regret, grow very quickly. The level of my staff does not.

3.12 Deputy G.C.L. Baudains of the Minister for Home Affairs regarding the deployment of TASER guns:

With regard to the deployment of TASER guns, would the Minister advise Members what restrictions, if any, will apply, such as senior officer authorisation, or will they be carried as a matter of course? What training, if any, is being given to reduce the potential risk of abuse or deaths?

Senator W. Kinnard (The Minister for Home Affairs):

May I, with your permission, ask that the Deputy of St. John answer the question, because he deals with all matters relating to firearms?

The Deputy Bailiff:

Yes, he may answer for the Minister.

The Deputy of St. John (Assistant Minister for Home Affairs):

TASER is the brand name for an electronically controlled device (ECD) which is in the process of being acquired by the States of Jersey Police, subject to U.K. export controls being negotiated. It is intended that this equipment will form part of the armoury of available weapons to the Police Firearms Unit, hence all the usual strict rules of firearms deployment will be implemented. Authorisation of deployment can only be made by the Chief Officer, or, in his absence, a designated senior officer of ATPO (Anti Terrorism and Public Order) rank. Such instructions can only be issued to authorised firearms officers who attended and passed a nationally accredited firearms authorisation course. Electronic control device training will form a standard part of an authorised firearms officer's training. ECD devices will not be routinely carried by patrolling officers, like the CS spray and the ASP expandable baton. ECD will be deployed as an alternative to the lethal force option, when the need for such reasonable and minimum force is identified, as required to confront someone representing a significant physical danger to themselves, officers, or members of the general public. I might like to add to that, that States of Jersey police officers are trained in first aid, and firearms officers will be trained in the specialist aftercare required, as will custody staff. During the development of a firearms incident it is standard practice to deploy paramedics to the scene and this would, of course, include the ECD if it is deployed.

3.12.1 Deputy G.C.L. Baudains:

I am grateful for the Assistant Minister's contribution. My concern on this issue obviously is one of public safety, because TASER guns are believed to be dangerous. I believe over 250 deaths have been attributed to their use, and some police departments are considering withdrawing them as a result. In the Minister's written question on the same subject, she stated that these weapons are well within the safety limits to have any effect on the heart, even those with pacemakers. I wonder if the Assistant Minister, could advise who supplied this information, so that we may verify its accuracy, because I do find it somewhat curious, given that even airport security measures are deemed to be possibly dangerous to such people. TASER guns do, in fact, administer many thousands of volts and do so for the entire period that the officer keeps it activated.

The Deputy of St. John:

I will check as to where that information has come from, but I understand that to be the case. In answer to his question about the numbers of deaths attributed to this weapon in the US, the

information we have suggests that those deaths are not solely attributed to the use of TASER guns. There are other extenuating circumstances and reasons as to why those deaths may have occurred. In the U.K. where they have been deployed now for some three years there have been no reported incidents of death as a result of using it, but I can assure the member and the House that should the more lethal option have been adopted, i.e. conventional firearms, there would be considerably more deaths, and, indeed, that has certainly been the case in the US. This is a lot less lethal option and can be deployed in a much, much safer manner.

3.12.2 Deputy S.C. Ferguson:

How much is all this going to cost?

The Deputy of St. John:

I do not have the figures to hand but if the Deputy will give me a bit of time this morning I am very happy to advise her in the House later on today.

3.12.3 Senator B.E. Shenton:

This is Jersey. Do we really need TASER guns? **[Approbation]** Is it just another toy?

The Deputy of St. John:

Yes, I believe that we do, because we have had a number of firearms incidents last year alone. Some 17 times the unit was called upon. On at least two of those occasions the perpetrator could have very easily been, and in fact very nearly was, shot. Now, firearms officers are trained to shoot the middle part of the body between the waist and the neck, because that is the largest area of the body. Clearly that is where your vital organs are. In other words, it is highly likely that if somebody was challenged with a conventional weapon they would be killed or seriously injured. With TASER that is simply not the case. They can be apprehended in a far more controlled manner and in most cases that would be non-fatal.

3.12.4 Connétable T.J. du Feu of St. Peter:

Has the Assistant Minister received any legal advice as to the legality of this type of policing taking place in Jersey, because I believe that there is some question mark on the legality of this particular system being adopted in the Island. If he has received any, where from and from whom?

The Deputy of St. John:

The question is, in fact, if we do not deploy it, we will not be compliant in terms of human rights, i.e. Article 2, the right to life, is somewhat compromised if you deploy conventional firearms in such an incident. Therefore, with TASER that right to life is acknowledged. In other words, we would not be complying with that should we not use such equipment, as indeed other forces have, including Guernsey.

3.12.5 Deputy S.C. Ferguson:

Does the Deputy not think that perhaps there is a responsibility towards other people's lives when you are brandishing a gun, with regard to the perpetrator?

The Deputy of St. John:

Well, yes, very much so, Sir. That is why a firearms unit will be called to defuse a situation and indeed end the situation. So I do not quite know what the Deputy is getting at. But quite clearly if somebody is brandishing a weapon the public are at risk and it is the police's job to ensure that that situation is brought to a swift conclusion.

3.12.6 Deputy G.C.L. Baudains:

Yes, given the concern that there is about the possibility of death or even injury to people who may have heart conditions - and I am not sure how a police officer can determine if the object in his sights has or has not a heart condition - and given the fact, that we are told by the Minister that the weapon is virtually useless against somebody on drink or drugs, or wearing thick clothing, what is the point of having this weapon in Jersey?

The Deputy of St. John:

I do not quite know where the Deputy gets the idea that it cannot be used when somebody is under the influence of drink or drugs. Indeed, that is quite often the case, when a weapon ends up being used in this type of situation by the perpetrator. The issue of what is the person wearing - clearly, if they are wearing protective clothing, armour protective clothing, even conventional weapons would not be effective. But in most cases, these are usually spontaneous incidents and it is unlikely that the perpetrator will have clothing capable of stopping a TASER gun from piercing it. So I would also like to add that fatal shootings involving police officers attract a huge amount of public and media attention. They are very expensive in terms of loss of injury, trauma, public inquiries, independent investigations. In order to stop that sort of thing happening, Sir, the use of the TASER gun will help that situation immensely.

3.12.7 Deputy J.B. Fox:

Recognising that our laws over here, many of which are common law and we have not caught up with many statutory laws, the question that was asked by the Connétable of St. Peter I think is a good one and although an answer was given in relation to human rights, et cetera, I would ask the Assistant Minister if he would go away and cause questions to be asked on the legality through the Crown Officers, et cetera, and if he could bring back an answer to this House please. So that if this thing is brought in, if this weapon is brought in, that we have taken the necessary steps to ensure that there are safeguards and it may materialise at a later date.

The Deputy of St John:

Consultation has taken place with the Law Officers and indeed are partly due to some of the import problems that we are incurring in acquiring this piece of equipment and the information we have from the Law Officers is that there is absolutely no legal or policy reason why the States of Jersey Police should not be in possession of such equipment as indeed most U.K. forces are and indeed Guernsey is as well. I would state again that I understand there has been no legal reason why they cannot be possessed by the States of Jersey Police and indeed deployed in a similar manner to conventional firearms are at the moment. There is again no legal reason why, in exceptional circumstances that dictate if a firearm should be deployed, they cannot be deployed under our current laws and I see absolutely no need for any additional legislation to safeguard a less lethal option which indeed the TASER weapon is.

3.12.8 Deputy G.C.L. Baudains:

Unfortunately it appears the Assistant Minister is not well informed. If I may read what the answer given by his Minister clearly states in instances where it has been discharged - that is a TASER gun - and the subject has been wearing heavy clothing or under the influence of drink or drugs or indeed both, it has proved no more than a distraction. In light of that, would the Assistant Minister care to review his previous answer to my question?

The Deputy of St John:

Yes, Sir, I think if the Deputy reads the response correctly, he is talking about launcher baton guns, not the TASER weapons, a quite different instrument and it is used occasionally. It is reminiscent, perhaps, of the old plastic bullets idea that was used in Northern Ireland back in the 1970s and

1980s, a reformed version of that. It cannot be used in close quarters because of ricocheted issues and it can only be effective if it in fact hits the lower abdomen of somebody - that is the only way that it is effective. Therefore if a suspect, for example, is standing behind a sofa or the bottom part of their body is obscured, it cannot be used and indeed if they are in a building it cannot be used safely and that is what that answer to the question refers to. It is the launcher baton gun, not the TASER weapon.

Deputy G.C.L. Baudains:

In fact, the same conditions apply to the TASER gun if the Assistant Minister had studied the subject.

The Deputy of St John:

I would dispute that, Sir. The two are quite different and the information that I have, having studied the subject quite in depth in recent months, is that the TASER is far more effective, although the range is not quite the same.

The Deputy Bailiff:

Very well. That probably exhausts that subject. So that completes the questions or questions on notice. Before we come to oral questions without notice, I have been reminded that since we last met the Connétable of Grouville has been re-elected and I apologise for not having spotted that before and I am sure the Assembly welcomes him back. [Approval]

4. Questions to Ministers without Notice - The Minister for Social Security

The Deputy Bailiff:

So, we come then to Questions Without Notice and the first period of questioning is to the Minister for Social Security.

4.1 Deputy K.C. Lewis:

It is a subject that is very close to my heart and I note that of Deputy Le Hérissier and Senator Le Main. Would the Minister update members on the proposed insurance scheme for long term care homes, thereby dispensing with the requirement for senior citizens to sell their homes being asset rich, but cash poor?

Senator P.F. Routier (The Minister for Social Security):

Certainly that piece of work is a major piece of work which needs to be carried out and as soon as we have managed to bottom out income support and have the officers in my department are settled with income support being in place, that will be the next major piece of work which will be undertaken.

4.2 Deputy G.P. Southern:

Has the Minister produced guidelines to accompany the Employment Relations (Jersey) Law and if not, when will he produce these guidelines which are essential to the running of the Employment Relations (Jersey) Law and further has he had any discussions with the officers of the Transport and General Workers' Union on the Island to discuss differences between them over the practices referred to the authorities?

Senator P.F. Routier:

I thank the Deputy for his question regarding the Employment Relations (Jersey) Law and I think the words he was trying to grasp were the Codes of Practice as opposed to the guidelines. The Codes of Practice will be published quite soon as it is statutory that they have to be consulted upon for a further 28 days so those are being finalised at this present time and the Deputy also asked whether I had had any discussions with the Transport and General Workers' Union. That will

obviously happen and the Transport and General Workers' Union will have that opportunity during those 28 days. With regard to the ILO (International Labour Organisation), I think was what he was trying to remember, the response to the ILO will be happening as soon as advice has been concluded.

4.3 Deputy R.G. Le Hérisier:

Would the Minister tell us what the precise deadline is for this work on long term residential care insurance and, secondly, is the Minister any the wiser now than he has been previously, through no fault of his own of course, as to why supplementation is increasing at such a rate as it is at present?

Senator P.F. Routier:

The long term insurance scheme which is proposed in the States' Business Plan for us to investigate it, that is a piece of work, as I said, which will start as soon as income support has been concluded. It will not be a quick job certainly because the process will require us to consult with the public generally because they will be ones who are being asked to fund this because it would be an additional contribution. It is not something that can just come out of the blue and people be expected to take that on board straightaway. So, we would be doing a close piece of consultation work with the public to ensure that that is appropriate for the needs of long-term care. With regard to supplementation, the Deputy is well aware that there has been some initial work carried out by the statistics unit and it is very evident that with the growth in the economy we are seeing that there are more people in work and in general principles three-quarters of the working population do receive supplementation. So if there is an increase in people in work there will be an increase in supplementation. But that has to be balanced also with the increase in income tax which is received from those people who are working. So there is quite a piece of work to be done to balance out the relationship by the expenditure and the extra income which comes through the people who are working.

4.4 Deputy R.G. Le Hérisier:

So, is the Minister saying he cannot give me a deadline for the production of the report on residential care because he talks of surprises, but of course the surprise of having your home taken away is one of the biggest of all? Secondly, could the Minister say whether we can get sight of the supplementation work, and would he not say that if three-quarters of the working population attract supplementation, does that not say something terrible about salary levels?

Senator P.F. Routier:

I am sorry that I cannot give a deadline to the work for long-term care. As I say, it will be, quite a big piece of work and it will be carried out as soon as it possibly can be because I am as keen as the Deputy is to get this resolved because I recognise that it is an important matter which needs to be - as we are all getting older, we will all be keener that it is in place. The question about people's earnings in relation to supplementation, what we have done over the years is to increase the earnings limits every year to ensure that an appropriate amount of money is put aside for people's pensions in the future. It is an increasing amount which we need to do which obviously the Government Actuary does advise us on and we need to keep increasing it to ensure that we do have the appropriate amount of money invested for the future. People seem to think the supplementation is an evil. It is no way it is an evil. It is something that we are working very hard to ensure that we are having sufficient money to pay for people's pensions in the future and so I know that it does cause a lot of people a lot of grief, but I think it needs to be recognised that the money that the States are putting away for those people who are not able to pay the full contribution towards their pensions, is an appropriate thing to do. We are supporting people to make sure that they are covered in their older age.

4.5 Deputy A. Breckon:

I wonder if the Minister is aware of an insurance based scheme for elderly care in Guernsey and if he is, why could the details of this not be made readily available so that people may consider that as part of a short term exercise rather than a long term one?

Senator P.F. Routier:

I am certainly very aware of the Guernsey scheme. I have spoken with the Guernsey Minister several times about this scheme and they themselves recognise that the scheme that they have established does need tweaking and we recognise that one of the major problems that they have is the supply of long term care places. It is all very well having an insurance scheme in place, but that is not the issue. The issue is to ensure that we have sufficient long term care beds and residential care places for people to access them. They recognise that they perhaps want to tweak their system so that people can have care in their own homes paid for by the scheme. They know that they need to look at changing their system and we are looking at it. We have looked at it very closely and it will form a part of the proposals which we come forward with and for it to be shared with people. It is a public document and public policy which is available on the Guernsey website.

Deputy A. Breckon:

I wonder in the circumstances then if the Minister would consider doing a public attitude survey fairly early to find out what people's view is on this?

Senator P.F. Routier:

Yes, as soon as income support is finished I am sure the Minister, myself, will certainly be in a position whereby we will be looking to bring this forward as soon as we possibly can.

4.6 The Connétable of St Helier:

Could the Minister give the Assembly the exact date in January next year when the income support system will go live and could he tell us whether he is confident that given the short period of time it will have been in operation, he is confident that it will be adequate to safeguard those who are least well off if or when G.S.T. is introduced in May next year?

Senator P.F. Routier:

Yes, certainly. The implementation date will be a Monday in January and it is likely to be the third Monday in January. It needs to be a Monday because benefits finish the day before on the Sunday. With regard to G.S.T., members will have seen on their desks today that I have lodged the amended Regulations which do two things. One is to increase the rates for the ones that were published earlier in July, I think it was, which have now been increased by the up-rating which would ordinarily happen this October. We were not able to do that until we knew the earnings index. So, that has been done and also in that document you will see that there is an increase for the G.S.T. which would be appropriate for all the components within the income support bracket. So, certainly there is no problem with putting in place anything with regard to G.S.T. coming into place in May.

4.7 The Connétable of St Helier:

Supplementary, Sir, I did ask the Minister if he is confident that the new system will be adequate to safeguard those on the lowest incomes if and when G.S.T. comes into force in May?

Senator P.F. Routier:

I am very confident that those who will be qualifying for income support will be protected from G.S.T.

4.8 Deputy C.J. Scott Warren:

Does the Minister accept that it is often those people just above the benefit level who are affected most and will be affected most, or certainly possibly will be affected most, from next May in the introduction of G.S.T?

Senator P.F. Routier:

That question - not that I am trying to avoid it - as it does fall out of the Social Security remit would be something probably better aimed at the Treasury Minister. But certainly with income support being a totally different basis of assessing people's need than it has been in the past with there has been strict cut-off lines, the income support system will be far better than the systems we have for supporting people. So, there will not be just the strict cut-off which, you know, has been the existing benefit system. So, I do recognise it when people are just outside of a system they may feel that they are not being protected as much or at all, but the reality of it is they will have their own income at a level which is recognised as being sufficient to support their needs.

4.9 Deputy J.A. Martin:

Yes, I thank the Minister for the lodging of the weekly rate to be introduced following the introduction of G.S.T. My question to the Minister is - we are assured that G.S.T. will for at least the first three years stay at three per cent and on the introduction benefits will be up-rated by that amount. Can the Minister assure this House that there will be something being lodged in this House to bind the future States' Ministers to up-rate G.S.T. on income support when or if, G.S.T. does rise above three per cent or should I say when it rises above the three per cent?

Senator P.F. Routier:

I think that as of today's date we are aware that the Treasury Minister has given a guarantee that G.S.T. will remain at three per cent and I support that wholeheartedly. With regard to the future, I think it is probably a bit presumptuous of us to consider what might happen in that scale, but as far as income support is concerned, whatever happens to the retail price index in the future, that will be reflected in the increases in income support rates and obviously the retail price index will be affected by whatever rate G.S.T. is. So, I would imagine that we can be comforted by the fact that there will be a sufficient increase in income support rates at that time.

4.10 Deputy J.A. Martin:

As a supplementary, some people did not vote for exemptions because we were guaranteed the income support continuously will protect the less well off against G.S.T. at 3, 5, or 10 per cent. I am hearing no assurances from the Minister for Social Security that this will continue and whose job is it to bring Regulations to the House to make sure future Houses - because as I say, Sir, looking across the benches there were a few of the Ministers that will not be here in three years, they have already decided to retire or leave the States, and I am concerned decisions and promises made to this House will not be forthcoming if we do not bind the future States' members to hold to the promises that this House made.

Senator P.F. Routier:

Members will see from the amended Regulations which I have put to the House today that the increase that we are applying for general up-rating is above the R.P.I. figure. We have gone for the middle line which is in between R.P.I. and the full earnings index. So, generally people will be receiving a greater increase than just the R.P.I., that is the principle which we are working to. I know I am not answering the question with regard to the future about G.S.T. because I am unable to do that, because any decision that the States makes, you know, can be changed at any time. I do not know if I will be around in three years' time. I do not know if any of us will be around. It would be perhaps down to Deputy Martin to make the proposition at that time perhaps, herself. But certainly, you know, we cannot bind the House to that decision at this particular time. We have a three-year guarantee. We know that as a position and I think that is as probably as far as we can go.

5. Questions to Ministers without Notice - The Chief Minister

The Deputy Bailiff:

I am afraid time has expired for the questioning of the Minister for Social Security. So, we come to the second period which is questions of the Chief Minister. Does any Member wish to ask their question?

5.1 The Connétable of St Helier:

Would the Chief Minister - and I refer to written answers to a question tabled today about the spending of £500,000 from the Millennium Town Park budget on improvements to Victoria Avenue - lift the clouds of unknowing, really, that surround this issue. Certainly, I am not aware of what this scheme is. Whether it has been through any of the ordinary processes around allocating funds for improvements and as far as I am aware, the Parishes Roads Committee is not aware of it either. Could he explain what this project is on Victoria Avenue and with whose blessing the £500,000 was taken out of the Town Park fund and allocated to this, I am sure very worthwhile, project?

Senator F.H. Walker (The Chief Minister):

The first answer to the question is - and I thought he would have done it by now - is that the Connétable should be talking to the Minister of Transport and Technical Services. That is the first part of the question. The second part of the question, just to reaffirm this does not mean the Town Park will not take place. This is purely a scheduling issue, but what it does mean is that at long last we can landscape along the seaside of Victoria Avenue which currently is nothing other than a sea of concrete and make the whole entrance into St. Helier the attractive, welcoming gateway it has never been and hopefully will be in the near future. So, I would refer the Connétable to the relevant Minister.

5.2 The Connétable of St. Helier:

Supplementary, please, Sir. I do of course welcome the works if they are what the Chief Minister has said they are, but it does seem to me that this does effect the inflation adjustments that have previously been made to the fund and could he confirm that he will liaise with the Treasury Minister to make sure that the Town Park fund does not suffer as a result of this loan being made to another department?

Senator F.H. Walker:

Yes, Sir.

5.3 Senator B.E. Shenton:

Does the Chief Minister not agree that it is absolutely ludicrous to ask Sir Michael Hopkins to draw up plans for a new art gallery when we do not even have a business plan or any idea of how much it will cost and how much it will cost to run for years and years to come?

Senator F.H. Walker:

I do not. These are plans in principle for what could become a national asset, but I am not personally involved in the detail of the planning and have no specific knowledge of the project at this juncture. That would, I think, have been a question much better directed to the Planning Minister.

5.4 Senator J.L. Perchard:

May I ask a supplementary on that? Does the Chief Minister support the proposal for a national gallery?

Senator F.H. Walker:

In principle, wholeheartedly, but until I have seen the business case and seen every other aspect of the project, I cannot possibly answer that question.

5.5 Senator J.L. Perchard:

Yes, Sir, changing the subject slightly, last autumn the Chief Minister during a question from myself, agreed to produce a report outlining the implication of the Island moving to double summertime or British summertime. A report which he agreed would be a catalyst for full and public consultation. When can we expect the report and does the Chief Minister think subject to a positive report, any proposal for change to British summertime or double summertime, could be put to Islanders in perhaps a referendum possibly at next election time just over a year from now?

Senator F.H. Walker:

The Senator is well aware when the report is due because there was an exchange of emails about 10 days ago, but it is due in October. As to the answer to his second question. I have absolutely no idea. I will not be here and that will be a matter for the Council of Ministers and indeed the House at that time.

5.6 Deputy J.A. Martin:

Could the Chief Minister update the House on where we are with the timetable on the debate, much needed and urgent debate, on population?

Senator F.H. Walker:

I can. I seem to be asked this question at every question without notice period. The population report is going to the Council of Ministers in November and that will then kick off a long and extensive consultation process with a view to it coming back to this House for debate as early as possible next year.

5.7 The Connétable of St Helier:

The Treasury Minister has said I think publicly that even 40,000 people demonstrating against the introduction of G.S.T. would not deflect him from his intention to have it introduced in May next year. I would like to ask the Chief Minister what would it take for him to agree to defer the implementation of G.S.T. Is there anything that would persuade him to defer it? For example, would a radical approach to the Island's spending proposals yielding sufficient savings to make G.S.T. avoidable at least for a year or so, would that persuade him to think again?

Senator F.H. Walker:

I believe as the Treasury Minister has said himself, that this debate, if it is a debate indeed, is far, far too late. This should have been done and was done in this House on three separate occasions something like two years ago. What is noticeable, I have to say, both about the petition and the rally is at no point on the petition document, at no stage during the rally so far as the reports I have received suggest - have the alternatives been spelt out to the demonstrating people or the people who have signed the petition. At no point have they been asked how do they want increased taxation to be applied. At no point have they been told that the alternative to G.S.T. is either increased income tax or a payroll tax. At no point have the consequences of not introducing G.S.T. been spelt out. Consequences which would result in States' expenditure going deeply into the red and very much heavily increased taxation as a result in the future. Consequences which this House, despite the statements made to the rally and accompanying the petition, have debated on three separate occasions. Alternatives which this House has debated on three separate occasions. Now, the Connétable - has asked about a radical approach to States' spending. Let those who believe States' spending can be reduced by £45 million a year - which is what we are talking about - let

them identify where because that is the underlying recurring theme of States' expenditure reduction claims of those who support it. They never, ever identify where the cuts are coming from and they do have that opportunity in the Business Plan debate.

5.8 Deputy C.F. Labey of Grouville:

Going back to the population debate, is it intended to have the population debate before or after the new Island Plan debate?

Senator F.H. Walker:

I am honestly not sure. I do not know what the sequence is currently planned to be, but I will find out.

5.9 Deputy G.P. Southern:

Does the Chief Minister accept that the additional tax revenues of something like £30 million which were produced in 2006 from the expansion of the finance industry, will continue into 2007 and do they form the basis along with a potential £12 million cut in the budget for covering effectively the £45 million required from G.S.T? Is he aware that the impact of the so-called black-hole does not occur until 2010, giving us two years grace when we might pause to reconsider and consider properly, alternative taxation, for example like land value tax which I have asked for on two years continually and not received any reply from the Treasury Minister?

Senator F.H. Walker:

It is simply not true to say, as every member of this House knows, that the alternatives to G.S.T. have not been thoroughly debated. It is just not true and the records are there for everyone to study. They are absolutely there. So, in answer to the Deputy's first part of the question, do we expect additional profits from the finance industry to continue in 2007 and 2008? Answer, yes. Does that mean that States' finances will not still continue to dip into the red after 2013? Answer, no. They will continue to dip into the red and what this means is that we can give the guarantee already given. The improvement means guarantees already given about no increase in taxes and no new taxes can be met. That is what the finance industry are helping us to achieve.

5.10 Deputy G.P. Southern:

Will he make reference to and bring to the House the research that has been done on the potential of land value tax in Jersey?

Senator F.H. Walker:

The Treasury Resources Minister has already given that guarantee.

5.11 Deputy S.C. Ferguson:

Jersey is building its international reputation as an independent country. The U.K. is apparently considering removing all reference to the Crown in passports and adopting the full EU (European Union) format. Will Jersey, in view of this intention of having an independent personality, retain an independent passport and if necessary perhaps join with Guernsey to issue a Channel Islands passport?

Senator F.H. Walker:

This is something that was discussed at the joint meeting with colleagues from Guernsey and the Isle of Man last week and all three islands are determined that, so far as it is possible, we will retain our own identity in passports. The problem may become frankly one of colossal expense because if we are to follow the full biometric route now being proposed in the U.K. the cost to the islands of maintaining our own separate passports will be astronomic, but so far as it is possible, we are determined to fight to retain those passports and to further maintain our international identity.

5.12 Deputy A. Breckon:

I was going to ask a question. It is now a different question in view of what others have said. I want to ask the Chief Minister if he was listening earlier when the Minister for Employment and Social Security was asked a question about elderly care and perhaps if he could consider if this is another method of funding some of the States' expenditure that we have not considered because he is still dithering about wondering when we are going to do it or if we are going to do it?

Senator F.H. Walker:

I think the question was about elderly care?

Deputy A. Breckon:

An insurance based scheme, Sir, that we have not got because the Minister for Social Security is dithering about wondering when he should do it and it would fund some of the States' expenditure.

Senator F.H. Walker:

Yes, Sir. The care of the elderly and new ways of funding it are included in the New Directions document which has been awaited for quite some time but is now shortly to come forward and I very much look forward to a very vigorous and healthy debate on that because I believe it does go a long way towards resolving a real problem for elderly people and their families when the elderly person has to move into care. I believe it is a great step forward and one I look forward to the opportunity of debating and consulting upon.

Deputy A. Breckon:

Would the Chief Minister then concede, Sir, that it is an alternative method of funding which is not States' money?

Senator F.H. Walker:

It is an alternative method of funding which is not States' funded. If the underlying suggestion is okay with them, we would still - if this adds to the argument that we will not need G.S.T., I am afraid it simply cannot ever sadly - because I do not want G.S.T. any more than anybody else does, but I have to, as the vast majority of members of this House have done, have to face reality. I do not want it any more than anyone else does and if there are any measures to avoid it, then the Council of Ministers would grab them with both hands, but frankly, Sir, sadly there are not.

5.13 Deputy C.J. Scott Warren:

Does the Chief Minister accept that many members of the public still do not seem to fully appreciate the reason why G.S.T. is proposed to be introduced next year, the black-hole situation, and does he agree that communication regarding this needs to be further improved?

Senator F.H. Walker:

The answer to both questions is, yes, I do. I do agree that many members of the public - and this is witnessed by evidence over the last few weeks - are still not aware of the full reasons for Zero 10; still not aware that we have had a full debate on all the alternatives to G.S.T; and are still not aware why G.S.T. is absolutely essential for the future of everyone in Jersey, including all those who have signed the petition. Could communications be better? Yes. Having said that, I wonder how many people took the time to read the insert in the *JEP (Jersey Evening Post)* the week before last? I do not know. I hope most of them did because it did explain fairly carefully, but could and should we continue to seek to inform people better than we have so far, the answer in my view is absolutely, yes.

5.14 Senator J.L. Perchard:

I did have a point of clarification to the question I asked about the possible moving to British summertime or double summertime. I did ask the Chief Minister, Sir, if he thought the timescale was appropriate that the report could go to consultation and possibly a referendum this time next year. The Chief Minister in his response said he would not be here. Of course he will be and does he think that would be a suitable timescale?

Senator F.H. Walker:

I think the Senator said at election time next year when I will not be here. If it is before that period then it is something that I agree should deserve serious consideration. So, while I am on my feet, if I may just to clarify an answer I gave to the Deputy of Grouville, the population debate will be before the Island Plan debate, and the population debate I am informed by the Planning Minister, to whom I am grateful, will form a key part of the Island Plan review.

The Deputy Bailiff:

Right, so that completes Questions Without Notice.

PUBLIC BUSINESS

6. Minister for Health and Social Services: dismissal (P.115/2007)

The Deputy Bailiff:

There are no matters under J or K so we come now to public business and following the decision earlier this morning, the first item is Projet 115 Minister for Health and Social Services dismissal lodged by the Chief Minister and I will ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion in accordance with Article 21(4) of the States of Jersey Law 2005 to dismiss Senator Stuart Syvret as Minister for Health and Social Services.

6.1 Senator W. Kinnard

I wonder if I might just declare a conflict that I believe I have. Senator Syvret has raised serious concerns about child protection services and made allegations of some possible criminal conduct which if founded would obviously have to be investigated by States of Jersey Police. Therefore as a member of the Corporate Parent and as Home Affairs Minister I feel I have a conflict of interest in relation to my ministerial duties. I also feel that I have a personal conflict in that Senator Syvret was proposed by my husband at the last elections in 2005. Therefore, Sir, I will withdraw from this debate about the Senator's future, but will, of course, answer any questions in relation to child protection matters within my remit at the appropriate time and place.

6.2 The Connétable of St Helier:

I wonder if you would be good enough to give a ruling on the last intervention. It does seem to me to open the door very wide to potential conflicts of interest. Senator Syvret was the best man at my wedding, but I was not planning to withdraw on that account. Perhaps you could give a comment?

The Deputy Bailiff:

The Minister or Senator Kinnard chose to withdraw. Certainly, I was not intending to say that there was a conflict of interest that required her to withdraw.

6.3 The Deputy of St. John:

I wonder if you could advise me as Assistant Minister for Home Affairs, bearing in mind my Minister has just declared the conflict of the department, whether I have anything to be concerned about, Sir?

The Deputy Bailiff:

I do not think there is anything in the Standing Orders which requires you to.

6.4 Deputy R.G. Le Hérisssier:

If we concede to Senator Kinnard's first ground of withdrawal, surely it must apply to people like Senator Vibert, Minister for Education, also?

The Deputy Bailiff:

It was a personal decision by Senator Kinnard. The Senator has taken her own decision. There is certainly nothing in Standing Orders which requires her to withdraw.

6.5 Senator F.H. Walker (The Chief Minister):

I referred to this in my opening speech, but can I reiterate, first of all, how much I regret having to bring this proposition. This is the last thing I ever wanted to do in relation to one of my Ministers and to me this not only represents a failure, there is no win in this debate today no matter what the result. It also represents, I think, the lowest point of my near 17 years in the States. Secondly, can I reaffirm what the debate is about and what it is not about. This debate is solely about whether or not the Health Minister's conduct over the last seven or eight weeks or so is acceptable. Whether the standards of behaviour he has shown are compatible with those necessarily expected of a Minister. The debate today is not about our standards of child protection. The Council of Ministers has taken Senator Syvret's concerns and allegations, even though - and having skimmed through the documents he distributed today, I maintain this statement - they are not supported by any current evidence of failure against staff currently providing child protection services. We have taken his concerns and allegations very, very seriously indeed and we announced 3 separate investigations into them. The first was a recent case identified by Senator Syvret which initially at least appeared to spark the whole incident. I will come back to that later. Not in a question of whether the child was protected or not, but in relation to how the Senator's approach to it has not been supported by the evidence. Twenty-one questions were put to the Jersey Child Protection Committee and although they no longer exist answers will be provided by the senior staff concerned and they will go to the Andrew Williamson review. Now, so far as the Andrew Williamson review is concerned, members have already had his CV and the terms of reference under which he will be operating. Can I make the point that the Andrew Williamson review will be fully independent; it will be probing and it will be transparent and it will be all of those independent probing and transparent ways to investigate all child protection provision in Jersey, including Greenfields; including bullying in schools. If there are examples of unacceptable behaviour - and the Senator's allegations in this respect are by no means proven or supported by any firm evidence - if there are now or in the past, they will be uncovered and action will be taken on the back of them. Mr. Williamson has confirmed that he has no political constraints, no political constraints have been placed upon him in any way whatsoever. He is free to visit, free to meet, free to read, anyone or anything he feels appropriate and equally Members of this House, staff or any member of the public is free to arrange to meet him or submit evidence to him. So, there are no constraints on him at all and crucially his report will be his report, unedited or abridged in any way by anyone else and of course it will be published in full. Members who may have their own concerns for whatever reason should arrange to meet Mr. Williamson and put those concerns to him face-to-face or alternatively by submission. They can also of course should they wish, when we know what the Howard League are going to do and when, approach the Howard League as well. So, there can be no question that there is going to be anything other than a full opportunity for all concerns to be investigated, particularly if as announced by the Council of Ministers as the third stage of the review, members decide they want a full committee of inquiry with full legal powers. So, Sir, there can be no suggestion of cover-up, collusion or lack of will to get right to the bottom of the Health Minister's most serious allegations. But as I have already said, this debate is not about those

allegations or not about the causes for those allegations. It is about the way the Minister has gone about expressing his concerns so vigorously and in such a defamatory way. His behaviour, in other words, which has brought us to this point today and so I would like to dwell on that for a minute or 2 if I may because I know some Members are concerned at how it got to this point. How did we get to the point where everything broke down and I have no choice other than to stand before the House and propose a vote of no confidence in one of my Ministers? As I have said, something I never expected to have to happen and something which disappoints me deeply. Why is it that I have no choice that I have to do this? Surely it could and should have been avoided. Well, yes, I absolutely agree. Indeed, it could and should most definitely have been avoided. Now, as Members know it all started with an answer given by the Health Minister in this House to a question put by Deputy Martin on 16th July and if it had stopped there - the Senator did in his answer make accusations about the performance of staff involved in child protection - nevertheless if it had stopped there, I would have spoken to the Health Minister, discussed his comments and concerns with him and I think almost certainly we would have been able to agree how to deal with them without necessitating this sort of debate and the saga that we have had over the last few weeks. But sadly, Sir, it did not stop there. On 17th July - and Members will forgive me, I hope, and you will too, Sir, for quoting from some emails and other documents - there was an article in the *Jersey Evening Post* in which the Senator is quoted as saying among other things: "I could not even begin to count the times I have seen grotesque and surreal degrees of utter incompetence by civil servants merely passed over. How does it really serve the public interest to retain some utter clown in a post and just guillotine some politician instead." Sir, that is not the language of a Minister in my opinion. Further, there was an email on 17th July to the Directorate Manager of CAMHS (Child and Adolescence Mental Health Services). Now this is a manager in the Health Minister's department who has worked in the Health Minister's Department for some considerable time and to the best of my knowledge, no complaint has ever been made, certainly not by the Minister, about his performance or behaviour. This was a Minister to the Directorate Manager of CAMHS and I make two quotes from it: "It is apparent to me from your email here, that you do not possess the most rudimentary grasp of the requirement in this field, which is child protection, nor of the gravity of this particular case" and then it concluded by saying: "In the interim, I would suggest that a significant number of people employed in this field in Jersey should now be considering their positions." Sir, that is absolutely unacceptable language for a Minister to put in an email about one of his senior staff. It amounts, whichever way you look at it, to bullying and harassment of someone for whom the Minister still has responsibility. But even then, the situation, I did not believe, was critical. Even then, although I took the view that there was bullying and harassment of the member of staff concerned and other members of staff in the other emails I have quoted, I did not consider the issue critical. Serious, absolutely, but not critical. Serious enough for me to call a special meeting of the States' Employment Board who are the employers of all States staff, including of course the Directorate Manager of CAMHS, but no intent or thought whatsoever at that juncture of resignation or the dismissal of the Minister. No thought whatsoever at that stage. Now, the States' Employment Board agreed that the Senator's allegations were indeed extremely serious and had to be investigated and they referred them to the Council of Ministers scheduled meeting to be held on 26th July and they referred them together with their comments and views that the Senator's, the Health Minister's comments were having a very serious affect on staff morale, and inevitably performance. Do not forget, performance in child protection amounts to how we look after our vulnerable kids. Then, of course, there was the email from Mr. John Noel, 19th July, and followed up by another one, both of which expressed very deep concern on behalf of all members of the civil service, who felt that one of their employers, their boss in some cases, had undermined them completely. Anyway, Sir, it was referred to the Council of Ministers' meeting on 26th July. But, in the meantime, just to show the spirit that things were still being conducted in, on 23rd July I emailed the Health Minister, and I said, and I quote: "I should say how surprised and disappointed I was that you decided to launch your attacks without discussing it with either me, the Chief Executive or your Chief Officer of Health and Social Services, for whom you express support

and satisfaction and with whom you have on many occasions informed me, you have an excellent working relationship. Had you done so, we would have been able to ensure that the matter was dealt with speedily and effectively, without creating distress among a wide group of staff, and undermining their morale and effectiveness.” Then I further went on to say: “Your intemperate language and broadcast threats make it much more difficult. Not only do you risk justifiable criticism for bullying, but you create mistrust and resentment among staff, which makes everyone’s job much harder. The risk is that staff will find themselves less effective as they are working in a climate of fear. As Chief Minister, and on behalf of the States’ Employment Board, I must ask you to stop these intemperate attacks and instead work with and through your Chief Officer to achieve a proper outcome. I do assure you that the States’ Employment Board and our officers regard any negligence or poor performance as totally unacceptable, and we will root it out.” Then, finally, Sir, in this context: “I am concerned that you as a Minister and also past President of the committee with this responsibility, tell me that you have been unable to effect what you believe are necessary improvements, and that the situation had reached the point where you felt it necessary to highlight these failings in such a public way. This is something we need to talk about further as if there are real failings at the most senior level in health they need to be rectified.” I did go on to comment on an email the Health Minister sent to the Deputy of St. Ouen, which had nothing to do with this topic whatsoever, but in which further intemperate language was used. I apologise, this is the final quote from this email: “Stuart, you have created a very difficult situation which, in my view, could and should have been avoided. I am not at all sure how you will now win back the support and trust of your senior management team, and this has serious implications for us all, which you and I need to discuss as soon as possible. We can also discuss at the same time, your wider and more general criticisms of the performance of officers in the public sector.” So, a willingness, a wish to talk it through, a wish to take it forward. But then, Sir, we come to the letter, which again came out before the Council of Ministers’ meeting on 26th, from the Chairman of the Jersey Child Protection Committee which is in appendix 5, which I do not believe I need to quote from. At the Council of Ministers’ meeting on the 26th, and note the date, 26th July, that is now six weeks, seven weeks ago, with the Health Minister in attendance, we agreed the 3-stage investigation, although the Senator recorded his partial disagreement with that decision. We agreed the 3-stage investigation and to issue a statement. The idea at that stage was that the statement would be agreed with the Health Minister, although it mildly - and it was indeed mildly - disapproved of his behaviour and announced the 3-stage reviews. In other words, we wanted to continue, although we felt it necessary to say publicly that we did not support the language the Minister had used to attack staff and others, we wanted to continue to work together to address the concerns. Sir, I would refer Members to appendix 2, which is where that statement appears. So, members will see that that is, I believe, a very mild rap over the knuckles indeed. It is appendix 2. Sadly, I do not think the appendices are numbered. So, I will give Members time to turn to it. Sir, in the statement, apart from announcing the 3-stage review confirming how seriously the Council of Ministers had taken the Minister’s concerns, the only minor elements of criticism of the Minister were in paragraph 4, when it noted that child protection is an area for which the current Health Minister, both formerly as Committee President, and now as Minister, has held primary responsibility for nine years. I have to say, Sir, it is just going on eight, not nine, but nevertheless, the point remains the same. Senator Syvret has stated that he has been unable to effect changes which he considers to be necessary and has stated that in his view, arrangements for child protection are failing. This is a very serious situation and one that Ministers believe requires instant and vigorous action. So, we are effectively virtually agreeing with Senator Syvret at this stage that his concerns had to be very vigorously followed up. The only other slightly critical statement was that Ministers or anyone who has clear evidence of incompetence should follow the approved appropriate disciplinary and capability procedures for dealing with this. It then goes on to say: “The Council of Ministers also fully accepts the need to protect staff from any unsubstantiated allegations to which they have no right of reply. While in any organisation comprising people, there may always be some individuals who fail to reach the required standards of performance, the Council of Ministers, including Senator Syvret,

wish to state that its clear and firm view is that the vast majority of States of Jersey staff are hardworking, diligent and well skilled, and the Council wishes to confirm its full support to the staff.” So, as Members can see again, even at that stage, 26th July Council of Ministers’ meeting, there was no suggestion whatsoever of requesting the Minister’s resignation or of having to proceed with this sort of vote of no confidence. It was, under the circumstances, a very mild slap over the wrist. But, sadly, the Health Minister refused to accept that statement and things then went from bad to worse, because the Health Minister then added his fellow Ministers to those he had already accused of being responsible for poor practice or supporting poor practice in child protection. The list, subsequently, got longer still, and I will refer to that briefly later on. But, Sir, I need to refer from emails that the Health Minister sent in response to what I am sure members will agree was a very mild slap over the wrist, and the main focus of the statement was the 3-tier investigation. This was the response, and I am quoting again from it: “You would probably better just go ahead and issue your statement. While I did attempt to add to it in a positive way, I cannot and will not be a party to such a biased, erroneous and profoundly misguided document as far as its passages dealing with child protection are concerned. It is frankly Kafkaesque that a Minister with responsibility for child protection should be having to fight obstructions and attacks from ministerial colleagues. In the meantime I will just have to regard the Council of Ministers as another obstacle and obstruction against which I have to fight in order to protect children by securing things like proper cross-case record keeping” and then a list of other things. “Like I said, I regret that the Council of Ministers has chosen this matter as just one more ground for attacking me.” Now, Sir, I have stood in this House on many occasions and defended the Minister, and again I will come on to that in a minute. “One more ground for attacking me, rather than giving me full support and telling deficient individuals in the child welfare sector where to get off.” Then, in another email, the Senator said - again this is all in response to that statement: “Instead of supporting my efforts to deal with these deficiencies you have, to the profound detriment of children in Jersey, sided with your good friend, Iris Le Feuvre, who in turn is siding with her friend the Directorate Manager of Social Services, or perhaps it is a decayed and fly-blown façade of the Jersey judiciary you wish to protect.” Then it goes on: “You make precisely zero attempt to engage with, despite announcing a 3-way investigation, a zero attempt to engage with or address child protection concerns. Instead it is just diversionary attacks on me and the establishment asserting once again its monopoly of power. You and some of your colleagues in the States might still be deluding yourselves that it is still 1982 and your power is that of masters of the universe (Tom Wolfe, *Bonfire of the Vanities*, I know you guys do not read, but really this book would be quite an apposite introduction to materialistic hubris). Well, it is 2007 now, and being a good Methodist and knowing a few funny handshakes will not persuade the external world into believing that the probably preventable rape of children is less important than creating distress among a wide group of staff and undermining their morale and effectiveness.” Then, finally: “I take it from this letter” - and this really, really, really upset me - “that if an actual child murder were to take place in Jersey when many sectors of the child protection apparatus could have intervened but did not, you will perhaps be ready to shoulder responsibility.” Now, Sir, all of that was in response to the statement which Members have and I just cannot believe that Members will, in any way, credit that that statement deserved that response and that utter degradation and total lack of respect for his relationship with other Ministers and the Ministers themselves. So, on the back of that, Senator Syvret’s fellow Ministers, with tremendous regret, came to the conclusion they could no longer work with a Minister who so obviously held them and many, many others in the States of Jersey in contempt. So, Sir, a letter which you will find in appendix 1, was written to me signed by the majority of Ministers requesting that I ask the Senator to resign his position as Health Minister, and this I duly did. I telephoned Senator Syvret to inform him of that request, to say it was a request I supported and had to put to him, but not to anyone’s surprise, I think, he refused to resign. Then we had subsequent emails following that which went on to confirm the Minister’s general contempt for many, many people in the public sector and some of those are on page 10. That, sadly, made the next step, this step, absolutely inevitable. This is not, in my view or that of other Ministers, acceptable conduct and it

demonstrates contempt for management, for staff and for Ministers, and it is all so tragic and all so avoidable. If only Senator Syvret had come to me, gone to the Chief Executive, gone to his own Chief Officer and said, "I have got real concerns. We need to investigate them". If only he had been able to accept the very mild rebuke contained in the statement following the Council of Ministers' meeting on 26th July, we would not be in this position today. It was totally and completely avoidable. We could and would, as we have anyway, agree to investigate his concerns. We would be working with him. We most certainly would not be in this horrible position today. Sir, I do apologise for the length and detail of that, but I know some embers were very concerned about what the lead up to this was, and whether or not there was a way out which would have avoided today's debate. There are many members of the public who are deeply concerned about this situation and who, I think, deserve and needed a fairly comprehensive chronology of how we got we here, and how easily, as I have already said, it could have been avoided. Sir, there are seven principal reasons for having to bring this report and proposition. They are listed on pages 8 and 9 of the report. Now, I do not intend to go through all seven in detail, but there are several very important aspects that arise from them, and to which I have to draw particular attention. Firstly is the email sent to me and to Bill Ogle and others in reference to CAMHS which said: "My initial response is to sack everyone who works there and close it down", and "everyone" includes not just managers but nurses and other general care staff. The Health Minister dismissed that as being a rhetorical statement. But just imagine the reaction of staff to hearing their Minister, their boss, being quoted publicly as a result of an email, that they should all be sacked. Now, how is that acceptable without investigation, without firm evidence? That is simply not supportable or acceptable, and why they should all be sacked, we still do not know. But I will say that is absolutely irresponsible and unacceptable. How on earth can we expect staff wherever they may be working, and in this instance in child protection, to perform under that sort of threat from their boss? I do not believe any staff anywhere in any organisation, public or private, would be able to perform at a high level with that axe effectively, or apparently, hanging over their head. Particularly irresponsible and unacceptable when it is followed very shortly by the statement that I am not aware of any immediate danger to a child at the moment. "Sack them all, but I am not aware of any immediate danger to a child at the moment." Now, I just cannot reconcile those two statements. Even more astonishingly, on 9th August, the Chief Officer of Health and Social Services asked the Health Minister two basic questions, and these are on the top of page 8. Again, Sir, I will quote if I may? The first question was: "Are you aware of any child who is not receiving an adequate and satisfactory service from the child protection services?" The second question was: "Are you withholding any information from me which, if that information was in my presence, I could use to improve the lives of children?" The Health Minister's answer to both questions was: "No", and yet he publicly said he wanted to sack the staff involved in providing child protection services. He was not just asked that question on one occasion, he was asked it on two separate occasions, on Sunday, 5th August, and again on Thursday, 9th August, and his response was exactly the same in both cases. Sir, I repeat, I believe that is unacceptable and completely contradictory behaviour to call for the sacking of staff on one day, and then so soon after so clearly state and so clearly demonstrate that there is no reason or evidence or basis for doing so. That is bullying and harassment. Probably about the worst example I have seen since I have been in the States, and in my view, and I say this again with genuine sadness, there is no excuse for it whatsoever. Sir, the second point that arises from the report was the sacking of Mrs. Iris Le Feuvre as Chairman of the Jersey Child Protection Committee. Mrs. Le Feuvre is rightly highly regarded as a Jerseywoman who has given great and distinguished honorary service to her Island over many, many years. Yet, she was summarily dismissed apparently only because she dared to criticise the Health Minister's attacks on child protection staff - sacked without a meeting or without any attempt so far as I can see at any contact or discussion whatsoever. Sacked in a 13 page letter which is included at appendix 6. Thirteen pages which, if members have had the opportunity to read, will find that there is no evidence of under-performance or failure to protect children at all, except one case which I will come to in a minute and which is a reaction to Mrs. Le Feuvre's earlier letter. It is a case, point by point, of

rebuttal, but furnishes no supportable evidence for her summary dismissal. Although I sense the ground has moved on a bit, the one case I referred to which, initially at least seemed to spark the whole sad issue - there is one issue - I refer members to the consultant paediatrician's report who I know the Health Minister has a high regard for, which is on appendix 10. I think it is worth again quoting very briefly from an email he sent to the Chief Executive: "No, I did not uncover evidence of grossly inadequate performance in the child protection apparatus in Jersey. As I have stated, I did discover practices and arrangements related to the future safeguarding and welfare of the child which could be improved. No, I did not find evidence of gross incompetence, complacency or failure to co-operate on the part of any individual to protect the subject of this SCR (Special Case Review). I did find evidence of a lack of appreciation of the complexities of child sexual abuse and the need for all agencies to receive further training in this area." Yet that was the one case quoted in a 13-page letter of dismissal of Mrs. Le Feuvre. That was the one case quoted as any evidence at all. Yet the paediatrician involved, who is the real expert here, confirmed that he did not see any real evidence to support the Senator's concerns in that respect. Mrs. Le Feuvre's sacking was also entirely contrary to the strong advice of his own Chief Officer, which is in appendix 7. Sir, the very strong advice is in a letter to the Minister from his Chief Officer dated 16th August: "My clear and unambiguous advice to you is that you should not make a ministerial decision to dismiss Mrs. Iris Le Feuvre." Then it goes on: "It is clear to me that if you decide to dismiss Mrs. Le Feuvre, then the work of child protection will not collapse overnight. After all the JCPC (Jersey Child Protection Committee) meets on a monthly basis, with the professional work of its constituent members taking place within the respective department on a day-to-day basis. However, such a decision to dismiss will add crisis into the system." That, Sir, is a quote from a letter from the Senator's Chief Officer in whom I know he places great reliance and with whom he has, so far at least, had a very good relationship. Sir, I would say that the sacking of Mrs. Le Feuvre amounted to an unacceptable abuse of the Minister's position and the power that goes with it. Again, if that had been the only thing that had happened, I do not know whether we would be here today or not. But this was just another accumulation in the whole sorry situation, and Mrs. Le Feuvre is now just one name in a long list that the Health Minister has very, very sadly sought to insult, make allegations against and generally undermine. They include the Law Officers, the CAMHS service to whom I have referred, the whole Child Protection Service, teachers in general and at his old school in particular, senior social work managers and other senior managers in Health and Social Services; the Chief Executive, the Human Relations Director and, not least, the Data Protection Commissioner. You can add to that, the Council of Ministers as a group and the Civil Service generally. So, it is a saddeningly long list that in all his comments, the Senator, the Health Minister has a long list of people he has undermined and, without furnishing anything like sufficient evidence, attacked and generally been extremely harassing to. Sir, given a list like that, I think it must be self-evident that it is quite impossible for the Minister to continue to fulfil his role and his responsibilities as Health Minister. He needs to work with all those people, and yet these are the very people that he has harassed or vilified or bullied in a completely unacceptable way. Now, I have skimmed through the documents the Senator has provided us with this morning, and he has dismissed this as just being rude to a few people. I would say that completely underestimates and completely misunderstands the power that he has with his staff as Health Minister. Completely underestimates the fear and the stress that he has induced in his own staff, which is not acceptable from any boss at all. He goes on to say in his report submitted today that he reiterates and stands by his criticisms. So, there is no question of pulling back from them and saying, "Well, hang on, maybe I did go a bit over the top". "I stand by" - and members can see this, I think on the first page: "I stand by my criticism." Yet, Sir, this all comes after the Senator has been at the helm of Health either as President of the committee or Minister, for nearly eight years - eight years in which he has never before, so far as I have seen any evidence to support, raised these concerns formally; never except the one recent case I have already referred to, where the consultant paediatrician disagreed with the Senator's findings; never asked for an investigation; never made a formal complaint about the alleged underperformance of his own staff, among others, but his own staff in particular. I was delighted

that the Senator was excellent at advising me of some difficult cases and issues which may be turning out to be very difficult and we had, I think, a very good working relationship. But having done so, never did he criticise his own department. He kept me well advised, but he never said, "Frank, I have got a real problem with my staff here. We really have got to get to grips with it". Never, never once did he say that, and never has he formally raised any concerns with the Council of Ministers or the Chief Executive. I am advised he has never raised the sort of concerns he has now put in the public domain with his Chief Officer either. Now, members will also note the comments of the Jersey Child Protection Committee about the lack of contact the Health Minister has with them, the lack of visits to Greenfields, to children's homes, even his own Social Services Department. He even failed to respond to requests for meetings to discuss Social Services and did not react at all to a report prepared by his own department into childcare services. So, it is clear now, and I am both astonished and sad again that this should be the case, but the Minister has shown little interest in the Social Services element of his responsibilities. I think he has done a great job as Health Minister, but has shown little interest in the Social Services side of his responsibilities. Yet, out of a clear blue sky, without investigating, without evidence, indeed against the evidence in some cases, and the strong advice of his Chief Officer, he calls for CAMHS to be sacked, and goes ahead and does sack the Chairman of the Jersey Child Protection Committee. I have again, Sir, to reiterate that is not acceptable conduct for a Minister. There are well laid-out procedures for investigating concerns which the Minister, for whatever reason, made no attempt to invoke, and no attempt to involve me or his fellow Ministers when he could so easily have done so, and should have done so, and had he done so we would not be here today. I go on to say, sadly, I think that is an abuse of the power of the position of the Minister. The next point I would highlight is that the Minister has now been ruled to have broken the Data Protection Law on two separate occasions in two separate instances. Now, that is the first time a Minister has done that. I know that the President of the Housing Committee was found to have done that before ministerial government came into being. As far as I am concerned, two breaches in this way by a Minister are breaches of the code of conduct and are unacceptable. But of course, they alone would not have resulted in us being here today, or at least I do not believe so. Fifthly, the Minister again, sadly and for his own reasons, has deliberately fed the national media with his version of events, with no attempt to balance whatsoever, and sadly the media attempted no balance whatsoever. None of them had the courtesy to contact me or anyone else involved, which has resulted in an inaccurate and damaging report in the *Times*, an accurate but incomplete report in the *Guardian*, and woefully one-sided coverage in the *Community Care* magazine, all of which have damaged the Island overseas, the Island which the Health Minister has pledged to serve. Now, what possible purpose did that serve? If we have a disagreement, let us sort out the disagreement. Why bring the Island into disrepute on a national, indeed an international, stage? Again, I do not believe that is an acceptable way forward for any Minister. Lastly, and most seriously, and the Minister will vehemently deny this, his conduct has put children at risk. We have a demotivated, frightened staff, frightened by their own boss' public statements. Some are already off work with stress. There have been signs of some looking for alternative employment where we already have vacancies, and without question this has damaged our ability to fill those vacancies with high-level candidates from outside the Island. Who in their right mind would want to come to work for an organisation where their boss publicly castigates them and calls for them to be sacked? Well, the answer is, I can tell you, few, if any. We simply cannot function without a motivated and professional staff. The employer has a duty of care here to our employees. It is secondary to our duty of care to the children, but we nevertheless have a duty of care to our employees as well. Absolutely though children and their parents, a number of whom have already, over a period of some weeks now, raised their concerns with staff about whether or not staff are competent to deal with them, which has resulted, or could result, in a failure of care to their children. We have seen, so far, real concerns in that respect, and that is probably the most unacceptable position of all. Sir, I have already said that the Senator has reiterated his position in the document that we had circulated today. He has not withdrawn any of his criticisms - in fact, he has added to them. Yet, my cursory inspection of it, and it is a cursory inspection, suggests that

nearly all his concerns relate to the past. I certainly see nothing in it whatsoever which suggests that his current staff are under performing, his current management are under performing, or most importantly, they should be sacked. Perhaps the Senator will correct me, but I see no evidence in his document to support that statement or that position. Sir, finally I would reiterate again what I said at the outset. This is a position I never, ever wanted to be in and, as my fellow Ministers know, it is a position I have tried hard to avoid. It has been suggested this is a Frank Walker versus Stuart Syvret issue based on historic political differences. It is nothing of the kind. I have protected and defended my Health Minister against considerable criticism over the last 20 months or so. I refused point blank to have anything to do with the calls to dismiss him over the Mr. Brocken affair. Instead I defended him. I wanted and would still have liked to be able to go on, not just defending him, but working with him constructively. Sadly, he has made that impossible - absolutely impossible - and made this debate absolutely inevitable. His conduct has given me no choice, because this time, I am afraid, he has gone too far, much too far. I have no alternative other than to put this proposition to the House. But, Sir, I would emphasise again, that is what the proposition is about. It is about the Minister's conduct as a Minister and, in my view and that of his fellow Ministers, his unacceptable behaviour, that is the sole purpose for bringing this report and proposition, and is the sole topic for the debate today, and when it comes to it, will be the sole decision that members of this House have to take. It is a difficult but straightforward choice for Members to make. Is the Minister's conduct up to the standards expected of a Minister? Yes or no? It is that straightforward. There is nothing else before Members today. If you think his conduct is acceptable for a Minister, vote against the proposition. If you share my view and that of fellow Ministers, that his conduct is unacceptable, vote in favour of the proposition. That is all. I know it is difficult, but it is a straightforward yes or no, a straightforward pour or contre. Sir, with great sadness - and I do emphasise great sadness - I urge members to support the report and proposition.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Senator Syvret.

6.5.1 Senator S. Syvret:

Obviously I am going to have quite a bit to say on this subject, but I think I can deal for just five minutes with the opening speech of the Chief Minister and get into the real important issues when we return after the lunch adjournment. I would just like to make it clear at the outset that I do hope I am going to be treated reasonably and allowed to defend myself with the material I consider to be of relevance to my defence. I make that point particularly because it could be seen that the Attorney General and yourself may be conflicted to some extent, given the nature of the historic issues I am raising, and the fact they evidence a decade long failure to take child welfare and child protection seriously. Senator Walker said that this debate is not about child protection, but it is about me and my behaviour. My behaviour is the issue. Well, if it is the issue, if Senator Walker would have me dismissed for the things I have written in emails, then I must naturally defend myself and justify why I wrote those things in emails, and I will get into that kind of material when we return after lunch. But Senator Walker, in what I think is a rather thin and insubstantial speech, made a number of assertions that were simply incorrect and inaccurate. For example, he said I had produced no evidence. I mean, that simply is not the case. After it was drawn to my attention by a whistleblower, I drew the Council of Ministers' attention to the so-called Grand Prix document. Moreover, just to make sure that my assessment of that documentary evidence in the form of Greenfields own policy was correct, I referred it to the Howard League for Penal Reform, and there is a four-page initialled assessment by Chris Callender, the second in command of the Howard League for Penal Reform, one of the most renowned child protection lawyers in the British Isles, a man who specialises in this subject. He also has made it quite clear exactly what he thinks of the so-called issue of the Grand Prix solitary confinement regime. It has also been said, "Well, all of these kind of issues are in the past, you know? They do not matter now because we are looking back in time". Well, as I will explain this afternoon, I think it is important to look back in time,

because those who do not learn from their mistakes are doomed to repeat them. There are a number of issues that need to be explored, and they do unfortunately, paint a picture of decade-long period of complacency and deficiency in the child welfare and child protection realm. So, the fact that the Grand Prix system may no longer be being used is not the question that is being raised by me and others. The fundamental question that has been raised in connection with that particular issue is this: how was it that the entire panoply of child welfare, child protection apparatus in the Island across numerous departments, not just mine which is impression created by Senator Walker, but other departments too, why, throughout 4 and a half years did not one part of those agencies, nor one professional from within them say: "Hold on. It is damaging and harmful to children, both psychologically and physically, to keep them confined in solitary confinement for periods of time. You just cannot do this. It is not legal. It is not legal to treat adults in this way. This is bad and damaging to these children. We must find a better policy"? Why did not one part of the Jersey child protection apparatus say that? It did not say that because it is, I am afraid, defective, complacent and engaged in a culture of mutual support and back scratching. That is why nobody raised a word of protest. It is also important to note that the one person who did object to this policy and try and change it, ended up getting sacked. Senator Walker also said that by raising these concerns about child protection, making it a source of some public controversy, this was harming child protection, and that my actions had led to a weakening of child protection in Jersey. As I will explore in some detail this afternoon, this is just complete nonsense. But as I alluded to earlier in the day, the literature and all of the codes of conduct, codes of ethics from the various professionals involved in child welfare and child protection show that, notwithstanding controversy, it is always better to speak out against a failing system than it is to remain silent. That is in the literature of any respectable national childcare organisation. So, I do not think that we need worry too much about that particular diversion. Senator Walker also said that I did not discuss these issues with my Chief Officer. Well, I did. I discussed these issues with my Chief Officer on numerous occasions. I have had conversations with him about my concerns in this area pretty much from the day he arrived. In fact, before he finally came to Jersey to take up the post, on an initial familiarisation visit, I gave him a copy of the *Sharp Report* which is included in my disallowed comments today, and I said to him on that occasion: "You know, you are really going to need to get to grips with social services and child protection, because this illustrates the wretched contents of this report and this document illustrates the profoundly defective and failing culture of child welfare protection in the Island." So, I said that to my Chief Officer and gave him that evidence before he technically took up his post. I have also had numerous conversations with him about these issues. Members will see from my disallowed comments also, that I wrote a 10-page commentary on an early draft of the New Directions strategy, way back before all this controversy erupted. In that commentary written by me, I made two specific pleas that we had to include a chapter dealing with Social Services and, more significantly, we had to include a chapter dealing with child welfare and protection. We had to have something in there about children. So, it is there in the documentation before the Members. So, again, claims that I have not tried to raise these issues or do anything about them, are simply wholly incompatible with the evidence and the facts. Unfortunately, for reasons best known to himself, my Chief Officer has decided to ignore that request of mine, preferring to argue that, "Well, you know, to have a social services or child welfare chapter in it will detract from the overall focus of New Directions. So, therefore, let us just rush ahead with New Directions, and we will sort out the child welfare and child protection stuff later". Not a view I agree with, but since when was the Jersey Civil Service ever really accountable or take much notice of what they were told? Senator Walker said that it got to the stage where it was impossible for me to have, I think he said, "The support and trust of my senior management team". To which I would reply as Machiavelli famously wrote: "Sometimes it is better to be feared than loved." In the context of the Jersey Civil Service, where there is, as the decades show, a culture of absolute invulnerability among senior civil servants, we all know that perhaps a little bit of fear might start engendering a much more professional and better approach to performance that these people get paid huge amounts of taxpayers' money for. It is not my job to be liked by my senior management team. It is

my job to require of them that they do their job properly. That people will be held accountable to the appropriate professional standards for which they get a great deal of taxpayers' money. Senator Walker said he deeply, deeply objected to a claim, or really a question, I put in my emails suggesting that he should take responsibility in the event of a child murder taking place as a result of this defective child welfare child protection apparatus. That is a view I hold still today. Given that I, as the Minister with technical and legal responsibility for child welfare and child protection, came to the conclusion on evidence, ultimately, that there was simply no point in trying yet further gentle persuasion to get the performance of this field improved, I said it was time to get tough, and that is what I was doing. But Senator Walker and others chose, I am afraid, to not accept my position in that matter. That takes me on to the next point. Senator Walker says things were still recoverable between us after the last Council of Ministers' meeting before the summer recess. I do not think they were, and I will explain why, perhaps, this afternoon. In fact, at that Council of Ministers' meeting, for reasons that will become clear, it was at that moment instantly clear to me as an irrefutable simple given fact that we would be here today debating this proposition. It was that obvious, that fixed, and that clear from the evidence put before us on that meeting that this was the objective of the Jersey Civil Service. But the press release Senator Walker referred to which he sent around asking for comments, to which I objected, was deeply annoying to me, because it started off with, of course, the obvious statement: "We do care very, very deeply and strongly about child protection and child welfare, and we take it very, very seriously". This two and a half page document then went on for about 90 per cent of its length attacking me, criticising me, trying to usurp me, trying to undermine my authority, and generally saying and trying to portray that I was the problem, not defective child welfare protection apparatus. I think, when confronted with a two and a half page press release of that nature written by spin doctors paid by the Island's taxpayers, I think I am quite entitled to get a little bit annoyed about it. Sir, I have raised these concerns, not only with my Chief Officer, with the department over the years; that was merely some of the evidence in my disallowed comments before you today, of how I have tried to raise these issues and take these forward in the past. So, it is clear that I have in fact tried to deal with these issues. Just to close, perhaps, before lunch, though I do intend to continue this afternoon, Senator Walker said that my Chief Officer advised me against the dismissal of the former Chair of the Jersey Child Protection Committee. Yes, he did, after I had made the decision and he was first made aware of it. But the reason I took that decision was because he and one of these senior colleagues had viewed the letter written by Marnie Baudains and signed by Iris Le Feuvre that demanded my dismissal, and he had seen it previously, prior to it being issued.

The Deputy Bailiff:

Senator, I notice you have been very good so far, as has the Chief Minister, in referring to people by their title. May I remind you of Standing Orders that you refer to people not by name? They cannot answer back today. So, if you refer to the Director of Social Services, that is perfectly acceptable.

Senator S. Syvret:

It is often said they cannot answer back, but they appear to be able to write entirely political letters demanding the dismissal of the Minister and get somebody else to sign them. So, I would certainly call that being able to answer back and defend yourself.

The Deputy Bailiff:

I have to remind you again, Senator.

Senator S. Syvret:

Senator Walker said that me raising my concerns damaged child protection. It might even be making it more difficult to recruit to some of these posts. I can tell Senator Walker that I have spoken to many, many people involved in child protection and child welfare, social services,

working at the coalface here, now, in Jersey, in several different areas, several different departments, and a number of other people who were in fact recruited to these posts, came to Jersey, took up their work for a very short period of time, and went back to the United Kingdom because they fear for their professional registration, such were the standards within the system here. Indeed, a similar case has been put to me by a number of nursing staff who have refused to work in the children's institutions because they know professionally, ethically, the standards prevalent would put their registration at risk. So, let us be clear about this. If there are problems recruiting and retaining suitably qualified and skilled staff in this area, that has a great deal more to do with the deficient, unqualified in many respects, and wholly inadequate senior management staff. But those, Sir, are my responses to Senator Walker's opening speech, but it does not really get into the meat of the important stuff which are the child protection and the child welfare issues and cases which I will explore, perhaps in some detail, when we return this afternoon after lunch. I propose the adjournment, Sir.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Very well. The adjournment is proposed. The Assembly will return at 2.15 p.m.

LUNCHEON ADJOURNMENT

Senator S. Syvret:

So, just to kind of recap briefly where we were, I have dealt largely with, I think, the opening speech made by Senator Walker which I have to say I thought was a quite insubstantial speech and of little actual relevance to the importance and the gravity of the issues. I would just remind members though of one aspect of this whole episode which gets lost and forgotten about in the confusion, and I said to members when I spoke this morning that I would, in fact, explain how at the last Council of Ministers meeting before the summer recess, I knew then, with absolute certainty, that we would be here now today. To explain that I need just to talk a little bit about the chronology of this dispute. I gave the answer, which has been already remarked upon, to a question put to me by Deputy Martin in which I said I did not have a great deal of faith in the whole child welfare and child protection apparatus of the Island and we were not anywhere close to being able to close the two non-custodial children's homes. Now, that was the extent of my public comment on the question of child welfare and protection. Around about the same time, I wrote the email to Dr. Jones in response to his special case review which I was quite angry in and I think justifiably so, as I will explain later. But there was no big political, public row at that point. But having received my comments about clear multi-agency failure on the part of the Island's child protection and welfare apparatus, certain of the senior civil servants got together in a state of fear and panic and decided that they had to move to get rid of me. As I have already touched upon, one of them wrote the letter and the evidence for this is in my disallowed comments. I forget which number of the appendices it is but you can see the evidence, the email evidence in there, for yourselves in which a very eminent and respected senior figure within the hospital confirmed to me the genesis of the letter. The letter was written and signed by the then chair of the JCPC (Jersey Child Protection Committee) and the first I knew of this was at the Council of Ministers meeting the next day when copies of it were handed out by Senator Walker and the Chief Executive in which we were able to see that basically there was this letter demanding my resignation, a letter which had, in essence, been written by a civil servant and it was at that point, I knew then that we would be here today. I said to the Council of Ministers meeting then: "This will be on the front page of the *JEP* tomorrow morning without a shadow of a doubt" and so it was. It was at that point, it was basically the hijacking of the impartiality of the Jersey Child Protection Committee by manifestly defective and failed civil servants that triggered and caused the public political row that has led to where we are today. I knew within 10 seconds of being handed a photocopy of that letter, I knew immediately

who had written it and I knew exactly that it would lead us to where we are today, being here with this vote of no confidence against me. So, that is dealing a little bit with the chronology of how events unfolded. It was said this morning that I had not raised concerns about these issues previously. Well, again, I will just have to emphasise that is not true. I mean, a couple of Members said to me over lunch: "Are you sure you gave the *Sharp Report* to your Chief Officer upon his arrival in the Island?" I said: "Yes, absolutely" and just to double check I have just recently, this very moment, confirmed again that fact with him. So, right at the very outset of my new Chief Officer coming to Jersey and taking up the post, I had given him a substantive piece of evidence which, in essence, is a scathing and damning critique on child welfare and protection standards in the Island and I told him, at that time, that this was a defective area. I was also one of the co-commissioners, along with Education and Home Affairs, of the *Kathie Bull Report*, a very important piece of work, and I would suggest Members, whatever the outcome of this debate, they might want to go back to that and read it, if they think that the child welfare and protection apparatus in Jersey has been unfairly maligned by me, bearing in mind that virtually everyone who was responsible for those defective services remained in post with the customary invulnerability enjoyed by the Jersey Civil Service. But the *Bull Report* was an unrelieved damnation from beginning to end of a system in utter chaos, failing to meet standards, all kinds of absolutely appalling practices, procedures, lack of co-ordination and a general mess across the board. I was one of the co-commissioners of that report and interestingly, I alone, out of all the involved politicians and all of the officers, I alone insisted on its immediate publication. I gave it to the *JEP*, much to the fury of Senator Vibert and a few others and the angle that was taken then was very much the kind of angle that has been taken today: "Oh, you should not say things like this publicly. You should not attack and criticise or make the officers worried about their performance because it might undermine their morale." Well, you know, perhaps people's morale needs undermining from time to time, if you go and read the *Kathie Bull Report* and see what an unrelieved mess it all was. I would also refer members to one of the appendices in my disallowed comments which is the 10-page commentary I wrote on an early draft of New Directions in which I specially said we must have social services chapter and children's chapter in the forthcoming New Directions policy and again, all of this material predates the current political argument. There is other evidence too which I could produce, but I think the case is proven already. It simply does not use our time to advantage to go through it all. But the reason I got annoyed at the start of this episode was based on 2 things essentially and remember it is against this background of a consistent record of failure over decades, quite shocking and disgraceful failure in some cases. Members have the evidence before them in my comments today. It was against this background that my patience finally ran out. Two cases, two reasons, triggered this. One was the child protection case which was reported extensively in the media at the time. Two assailants were convicted for the offence. I was extremely disturbed about what I read of that case and I asked the consultant paediatrician to undertake a special case review, as he says in his documentation. That is one of the things that triggered my particular concern and the other thing was the Grand Prix regime at Greenfields. Now, I know that the Council of Ministers, and in particular the Minister for Education and the Minister for Home Affairs, have very much painted themselves into a corner over this so they have to carry on defending the position, but let me assure you now and you can read the Chris Callender assessment there in my comments that the regime that was in use against children at Greenfields was manifestly unlawful. It was a breach of their human rights and a breach, perhaps more immediately, for those who do not like human rights, perhaps of greater concern, a clear breach of the Children (Jersey) Law 2002. That law requires that children that are in care, children who are looked after, indeed anyone who has parental responsibility for children, must make sure that they are not neglected, that they are looked after adequately, that their health, safety and welfare is tendered for. It is there in the law and you need not take my word for it, go and read it yourself. Then go and speak to any faintly competent child psychologist, psychiatrist. Note I did say faintly competent and ask them: "What do you think of a regime that imprisons children in a cell or locked in a bedroom for 24 hours automatically and indeed can keep them in there for often days longer than

that and certainly when they are in the punishment cells, the pits, to be completely disallowed of personal effects such as photographs and when locked in those self same punishment cells have their bedding and mattress removed during the day, only for it to be returned in the evenings, and they might, at the management's discretion, be allowed one hour's exercise?" Now, do you think it is good for children psychologically, emotionally, to undergo that treatment? Do you think it is physically taking proper care of children to deny them the range of exercise that children need? Of course it is not. You do not need to be an expert to see that. I have spoken to legal experts, clinicians, a whole raft of experts up and down the country, quite independently of each other, over this and it is absolutely clear that the Greenfields' Grand Prix regime was harmful, neglectful and abusive to children. Now, bear in mind that these children are already among the most damaged, troubled, problematic, often neglected and, in some cases, abused, children in the Island. I know a lot of members of this Assembly are more inclined to the "hang 'em and flog 'em" approach to crime and juvenile delinquency but you have to ask yourself really how effective is a punitive and coercive regime, given the failure rate and the number of the former victims of Greenfields who are currently in La Moye prison, that are currently drug addicts, and tragically the few who have, in fact, committed suicide. Now, you have to ask yourself, given that these are children that might have been off their heads on glue and alcohol at 3.00 in the morning and smashing car windows and that kind of thing at the age of 13, 14 or whatever, you have to ask yourself is that degree of dysfunction being exhibited by those children really appropriately addressed by the kind of Guantanamo Bay style regime that was in operation at Greenfields for 4 and a half years? Any competent clinician, any competent child protection officer will just say: "Absolutely not." The approach and the system is completely indefensible. Utterly indefensible, and indeed some of the lawyers I have spoken to about the case, once appeals are made to get the victim to come forward and make themselves known, they just cannot see it being argued in court. The legal discussion will be over the quantum of damages relevant in each particular, individual case. So, it is not even disputable. Now, you have to ask yourself why was this regime allowed and able to exist? Why did it come into existence and why was it able to be in place for 4 and a half years without one single aspect of the children protection apparatus objecting to it? Not one. I consider that to be a gross failure. A very serious failing in the entire Island's child protection apparatus. The fact that the only person who spoke out against it professionally ended up getting sacked I just think speaks volumes about the nature of the system that we have trying to address, that I have been trying to address for a number of years but without success because of its immense resistance. I tried to persuade the Council of Ministers to hold fire with this proposition and with this debate. I said to them in numerous emails: "Do not go ahead with your unscheduled extraordinary meeting. At least wait until I have had a chance to compile and collate some of the evidence" and certainly had they done that, at the very least, the Council of Ministers would then have had the benefit of the Chris Callender opinion and would not then have gone into print, as they have done in their proposition today, with the demonstrable, wilfully misleading rubbish written in it that has been fed to the Council of Ministers by the very officers in question, in absolutely ludicrous and literally incredible attempts to defend the Grand Prix regime in, as I said in my letter, one of the most brazen piece of sophistry I have seen in 17 years. The system was simply indefensible and I know that because, over the last couple of months but especially in recent weeks, a lot of the former victims of this regime have contacted me. So have staff, former staff, staff who have worked there over the years and they have affirmed to me everything that has been suggested previously that children, especially those who are troublesome and demanding, needy basically, would, in fact, be kept in these cells for large periods of each 24 hours and often for days at a stretch and, indeed, one young victim was kept in one of the solitary confinement pits for two weeks. I have also had it confirmed to me by members of staff that the photographs were misleading, that the old pits in the old building were just basically cells with metal police-style cell doors and a viewing slot. A number of people have, in fact, confirmed this to me. Parents, former staff, former inmates. Now, you have to ask yourself is a child welfare and child protection apparatus working effectively and competently if it allows that kind of approach to dealing with child custody to go on unremarked and

unchallenged for four and a half years. I do not think it does. I think it is a gross failure. To move on to the particular child protection case that led me to ask for this special case review to be taken, this was a shocking and disgraceful episode, principally, naturally, full of crime itself but also I have to say very, very shocking and unacceptable from my perspective, just as a member of the public, let alone a person who has political and legal responsibility for child welfare and protection. That case was a textbook example of multi-agency corporate failure, repeatedly, over a period of years. The victim was already known to Social Services, was known to Health, was known to Education to be a troubled and challenging young person. The victim and the parent were referred to CAMHS. CAMHS could not even find an appointment for the parent in the early stage. They eventually saw the victim over a period of a couple of months on a few occasions and they, and I quote this verbatim from the special case review: "They closed the file on this young man, they closed the file because he was "difficult to engage"." Now, I have also run that by child welfare experts, child psychologists, and they could scarcely believe that this could possibly be a response from a formal professional organisation: "It is simply an obvious fact of your client group, emotionally, psychologically troubled children, that predominantly they will be difficult to engage." It is not only this particular case. I have had a substantial range of complaints since this episode erupted, drawn to my attention, where a similar approach has been adopted. Now, CAMHS closing the file on this young man, because he was difficult to engage, happened prior to the descent into abuse. Now, I have to ask myself as the politician responsible for child welfare and child protection and I was deeply troubled by it at the time, hence my email, and I remain deeply troubled by it today. I have to ask myself the question, perhaps that victim would not have descended into abuse had he had effective, competent, professional care from Social Services and the Child Psychology Service. One cannot say for certain of course, but it is entirely feasible that that young man would not have become the victim of abuse had he had proper treatment from the relevant agencies at the relevant times. So, we are talking about missed opportunity after missed opportunity after missed opportunity to intervene for the clearly problematic, needy client. Those opportunities were missed. Subsequently, the victim descended into the abuse. The period of abuse went on for 18 months; 18 months of abuse, the victim suffered at the hands of two paedophiles.

Deputy C.J. Scott Warren:

Could I clarify a point of order? Is this material not material that should be going to the person we have brought over to do the investigation on child protection? Surely, we are not today having a debate on child protection? This is material, with all due respect, that should surely be going to the investigation team, the man brought over, and I cannot see the relevance of this to today's debate.

Senator S. Syvret:

Well, I mean, I think the Assembly and the public just has a very good illustration and a good lesson in the attitudes of the Deputy and why she has taken the stance that she did.

The Deputy Bailiff:

Senator, one moment. I am just going to rule on the application. In my judgment, the Senator is entitled to defend himself with all such matters that he considers reasonably to be relevant and I think what he is saying at the moment is something he is entitled to say if he thinks that is in his interests.

Senator S. Syvret:

It is of relevance, Sir, because one of the principal grounds for attack on me and certainly the ground that caused the civil servants, very expensive civil servants, employed by the Island's taxpayers to write their letter demanding my sacking was the email I sent in connection with the special case review. Sir, 18 months of abuse this victim suffered, 18 months, and again during the period of abuse, there were opportunities on the part of different agencies to perhaps to have detected it earlier, intervened far earlier, sorted something out with the boy, helped him. All of

these opportunities were missed for that 18-month period and, indeed, one of the missed opportunities was by a GP who identified a sexually transmitted health issue in the victim and did not automatically report that as a child protection issue to the relevant agencies. This was after about 12 months, so another 6 months of abuse took place. So, I think when people reflect upon those issues, reflect upon what was, from beginning to end a catalogue of unrelieved, shocking and disgraceful multi-agency failure in the case of this victim, members might just understand a little more why I come to the conclusions that the entire child welfare and protection apparatus in Jersey is defective and, indeed, let us be honest about this. I can look around this Assembly now and see quite a number of Members who would be demanding my head on a plate had I not taken strong action over this issue, had I not gotten angry about it, had I not said: "This just is not good enough and it is time for these standards to end." But we are here today debating this issue, this vote of no confidence in me and it is interesting to look at some of the material that has been brought forward by Senator Walker. He, for example, quotes both the special case review carried out by the consultant in question and subsequent email correspondence with the Chief Executive to support Senator Walker's contention that my concerns were not justified. Now, I know, through email correspondence I have had subsequently with the consultant concerned, that one needs to be particularly attentive to the tense of these arguments. For example, when he says he found the agencies concerned to be efficient, effective, willing to co-operate, representing good practice in terms of coming together as the various agencies to look at this case and to take part in the special case review, the tense in which he is speaking is just in respect of the special case review, what happened, what was done, how the agencies responded after the abuse came to light. Once the abuse came to light and was recognised, the agencies responded well from that point forward, but that is not the question I am asking. I am asking why, for a period of years, was there multi-agency failure in this particular case and frankly, God knows, how many other cases, to perhaps rescue, help and protect troubled children. I will just quote a little passage from an email I had from the consultant in question recently and naturally, as a clinician, he does not wish to get involved in politics but he said: "However, I have tried to remain focused on the SCR and restate my observations in completing this report. In my opinion, your comments regarding the services involved in this case are supported by my review. Nevertheless, this will be subject to further examination through the independent review process." He goes on in the same email because I was curious as to what his view might be: "Regarding the Greenfields and the Grand Prix regime, I am not an expert in the management of children who are admitted to secure units, but I would agree that this regime appears to contravene the ECHR (European Convention of Human Rights) and UNCRC (United Nations Convention on the Rights of the Child) with respect to measures of isolation and deprivation. I agree with Chris Callender's comments that in such facilities the key to ensuring safe and appropriate care of children is regulation and independent inspection." So, one of the Island's consultant paediatricians agreeing with me that the concerns, in general terms, I have about the agency failure, multi-agency failure, to deal with a particular case are justified. I concede he does not like the way I expressed them but, nevertheless, he agrees that there were grounds for concern.

Senator M.E. Vibert:

Sorry to interrupt the Senator. We were all provided with a large bundle from the Senator which I have tried to read through. Could he tell me where this email is in that bundle if he has provided?

Senator S. Syvret:

It is not in that bundle but I am happy to perhaps let the Senator have it later on but I mean really I am not sure there is a great deal of point, given the Bailiff has decided that I, uniquely, cannot have my comments published as official comments. It probably would not be allowed either.

Senator M.E. Vibert:

It is just I would like to read it in context.

Senator S. Syvret:

I have tried to keep clinicians out of the material I have published. It is certainly true that a number of senior civil servants, officers, culprits as it were, from the past are named, but I think deservedly so, but I have tried not to bring clinicians, doctors or nurses, into it and for that reason, I did not include this email from the paediatrician. Here we have an opinion from a person who is cited by Senator Walker, in essence, agreeing with my concerns and, indeed, there can be no surprise at that because the legal concerns that arise in respect to the way we have been treating these damaged children in child custody in Jersey are simply unarguably. It is physically harmful? Is it psychologically harmful to subject children to this regime? Is it depriving them of their right to an education, a proper education, guaranteed to them by the ECHR? Yes, it contravenes all of these grounds and yet it went on. So, some members have said: "Why now? Why suddenly has this all erupted?" Well, as I have already explained and I will not repeat it, I have been pressing and raising these issues for a period of years. As I said, I reconfirmed with my Chief Officer just over lunchtime that yes, I gave a copy of the *Sharp Report* when he first came to Jersey. Well, the second time he came to Jersey, after agreeing to take up the appointment, having gone through the interview process and that was merely the start of my well-evidenced attempts to get this issue addressed. I have to come to the conclusion that there is something seriously defective about the culture, the attitude, the effectiveness of the Island's whole child welfare and protection apparatus. Members have, in my comments before them, the *Sharp Report*. Read it at your leisure. I am sure many members will be as angry as I was when I read it and the shocking farrago and disgraceful dereliction of responsibility and duties revealed in it. So, people might look at my emails out of context and say: "Well, really it just is not acceptable for a Minister to refer to a person as a bastard and a turd in an email" but when this is a man who basically tried to obstruct the police inquiries into that abuse scandal at the time, as it is well evidenced in this report, and upon being shown by the police some of the home video footage hopefully taken by the assailant, asked to help to identify some of the victims in the footage by the police at the police station, his immediate comments were: "Teacher's perks." Teacher's perks. This upon being shown home video footage of acts of abuse being committed on children and this man, true enough, did have to resign from his post at Victoria College, but he was rapidly ensconced into a well-paid, public sector job where he works to this day at the Harbours Department earning a big, fat salary from the Island's taxpayers and a pension and the whole bit. This is a man who says abuse of children, paedophilia, is teacher's perks and I just wonder how many of the Island's taxpayers are happy with that state of affairs now that this is being made a public issue. Teacher's perks. *[name omitted in accordance with States decision of 18th January 2011]*, that is the name of the individual. *[name omitted in accordance with States decision of 18th January 2011]*.

The Deputy Bailiff:

Senator, I have reminded you of the Standing Order earlier. Really this is quite difficult to see how this is relevant to your defence of the matter. I am fully accepting of your right to go into your concerns about children's welfare but you must stick by Standing Orders which say that names are not to be given unless it is unavoidable or directly relevant. Now, the identity of this man is not.

Senator S. Syvret:

Well, I mean, I do consider it directly relevant because my email, in which I was deeply critical of him, has been used and cited in the report by Senator Walker.

The Deputy Bailiff:

So, you are entitled to deal with the topic but not with the name.

Senator S. Syvret:

Well, I think the public has got a right to know the name in this case and now, know it they do. It is clear that we are dealing with a system that is defective, seriously defective and I am very confident that the number of different new professional approaches we are bringing into this sphere as a result of this controversy it should be pointed out. We have the review by Mr. Williamson. We have the independent review that will be undertaken by the Howard League for Penal Reform and we, of course, have had the great good fortune to secure the services of Professor June Thoburn, CBE, to chair the Jersey Child Protection Committee, one of the most renowned experts in this field in Britain and, indeed, a person with an impeccable, unimpeachable, international reputation. So, these three different agencies are getting involved now as a result of this controversy, but personally if Members vote to remove me as Health Minister, I would be sad to depart from Health but I would comfort myself greatly with the thought that none of this would be happening unless a real shock to the system had occurred and the events of the past couple of months have done that. There now clearly is no hiding place for the defective management, for those who have failed to have in place the proper policies, those who have employed staff in positions for which those staff have not been adequately trained or not remotely properly qualified, overworking staff because of vacancies and sickness, inability to recruit and retain staff because of poor standards, standards that would not even be acceptable and legal in the United Kingdom. All of these issues are now going to be exposed. Not by me, but by the professionals and for those managers, people like the person who wrote the letter demanding my dismissal and a few other people who I will not name but, nevertheless, they know who they are. I am sure they are listening to this broadcast right now. It is not conceivably possible or credible to see them still being in public employment within a year's time. The evidence is so clear, so overwhelming, so completely comprehensive of an utterly defective and deficient system that there just is going to be no hiding place and I also do not think there is going to be any hiding place for perhaps one or two other Ministers. I do not include Senator Walker in this observation, but it is difficult to see when the truth comes out, given the stance he has adopted, how people like Senator Vibert, the Minister for Education, Sport and Culture or Senator Kinnard, the Minister for Home Affairs could remotely imagine it would be credible for them to hold on to their ministerial posts once the truth comes out, given the immense resistance they have exhibited to the revealing of this treatment in recent weeks. So, Sir, I will leave it at that for the time being. I have explored some of my concerns, explained some of the issues to the Assembly and I will be interested to see how ordinary members of this Assembly speak and vote because I certainly am of the view, and I think the general public out there are largely of the view, that for too long the senior reaches of the Jersey Civil Service have been untouchable, invulnerable, immune from proper scrutiny, proper challenge about their performance standards and generally not being delivering value for money and high quality services for the Island's taxpayers. I, for one, have had enough of that and it is time that we started properly representing the public and sorting these failures out.

Deputy G.P. Southern:

Could I ask a point of clarification of the Minister, and the point of clarification that I am confused about is that the Minister appears to be satisfied with the setting up of the investigation into the matters which he is concerned about and I wonder at what stage he became content with that and why he was accusing other Ministers of getting in his way in order to deliver results on this issue?

The Deputy Bailiff:

Senator, under the rules of debate you can deal with this in your reply but we cannot have a series of questions and answers.

Senator S. Syvret:

Well, I mean, the point is I did say I was going to commission an independent inquiry in response to Deputy Martin's question that she asked me in the Assembly and it was post that event that the Council of Ministers decided to use -

The Deputy Bailiff:

I am sure there may be other members who have questions of you but you can deal with them all in the ordinary way when you reply. Does any other Member wish to speak?

6.5.2 Deputy C.J. Scott Warren:

Throughout the entire period that I have been involved in Health, almost eight years, during that time on the first committee, Health and Social Services Committee, I was assigned to visit the Social Services Department. Other committee members did similarly for other areas. I went to see the manager of Social Services at Maison Le Pape about every six months, sometimes it might have been a bit longer, for an update on her work and that of her department. On my first visit, she took me to meet most of the staff. Although the manager was, and still is, an extremely busy lady, she always afforded me a reasonable amount of time when I visited and was very prepared to discuss all relevant concerns. She comes across to me, Sir, as a hard-working and dedicated individual. I have also met other managers, special needs. I have been contacted by families with young people falling within that area. I have visited many group homes and children's homes and following the *Kathie Bull Report*, I accompanied Senator Syvret to La Preference Children's Home one evening. Sir, in view of the comments, I will be brief but I think it is important that I do explain why I resigned in view of the slur which as I interrupted the Minister's speech. This has caused me great sadness to resign. I do believe that the Minister of Health, with his Chief Officer, and everyone involved at Health has achieved much since he first became President at the end of 1999 and one example of that is the New Directions draft that you all have in the pack which, I think, was an excellent critique. It was with some dismay that I began to read the emails Senator Syvret was sending to various people. Some were copied to one or more senior manager and often they insulted or criticised the people to whom they were being copied. About six or eight weeks ago, I attended the Autism Jersey AGM (Annual General Meeting). There were people sitting near me from CAMHS and Social Services. I thought to myself while I sat there: "All these people think that I agree with the Minister's email comments." Already, at that stage, my position was starting to become untenable. Let me make it perfectly clear, Sir, I have no objection to the Minister wishing to instigate a child protection review which he obviously deems to be essential and which obviously the Council of Ministers have also... everybody, I believe, in the House signs up to us doing that. I have no objection to him instigating that or any other health review. This is not the issue. The problem is the way in which Senator Syvret has gone about doing this because, Sir, in my belief, to be an effective Minister you have got to liaise and consult the management team and the staff in the department and go and discuss the concerns with them as a first step. The best way I would think would be to be accompanied by your respective Chief Officer. If, following those discussions, the Minister is still unsatisfied and has serious concerns, he or she should then ask the Chief Officer to instigate the investigation and obviously, as a result of that, an inquiry may need to follow. I believe, Sir, there should be no problem in initiating all necessary measures including a public inquiry without resorting to insults and humiliation of managers and departmental staff, without risking demoralising the whole workforce. At the end of an investigation or public inquiry, when the recommendations are in place, in my opinion, that is the correct time for any disciplinary procedures of individual staff. What saddens me, Sir, is that while the Minister is obviously very entitled to listen to whistleblowers, he appears to have accepted all of their version of events and found people guilty without taking the concerns of the people who are being criticised and to resort to insulting people, Sir, I believe is unacceptable. This is what made my position as Assistant Minister impossible to maintain irrespective of how much I enjoyed the work, which I certainly did. After the States sitting where he answered Deputy Martin's question, Senator Syvret did tell me in a phone call he gathered evidence from whistleblowers and I did offer to discuss this material with him. He did not take me up on that offer. Then following our visit to Greenfields, an official visit to Greenfields, I was contacted by the co-ordinator of the Children's Executive and I was asked - well, firstly at the visit, the co-ordinator asked me to convey a message to Senator Syvret that he would

like him to visit at any time. After that, I was asked in an email to convey to States' members that they would be very welcome to visit Greenfields and any other children's homes. We were already in the States recess so I had to decide whether to wait until today to pass this message on or whether to email States' members. I chose the latter course of action on 27th July. I received an email reply from the Minister in which he told me, in no uncertain terms, to let him handle the situation by himself. I kept myself to myself after this regarding - well, there was no further contact at that stage between myself and the Minister, but I did get insulting emails, not to me, to others that I was copied in on. I then received the email and letter sent by Senator Syvret to the chair of the Jersey Child Protection Committee in which we know that Senator Syvret ended by sacking her. I had no warning that Senator Syvret was about to do this and he had made it extremely clear that he wanted to act on his own. This was one of the reasons why I did not contact him before I resigned. The other reason was that I did not believe that Senator Syvret would necessarily react in a reasonable manner, judging by the style and contents of his emails in preceding weeks. I did contact the Acting Chief Minister before I made my decision but I must clarify that Senator Syvret was informed of my resignation at the same time as the Acting Chief Minister, the Chief Minister, the Bailiff and the Deputy Bailiff, the Chief Officer of Health and the Chief Executive and a copy of the email letter was sent out to everyone at the same time. I am deeply saddened, Sir, by these recent events, not by the initiation of a child protection investigation. Obviously, I would have preferred there was not the perceived need but we have gone ahead with that and I have, I believe, shown loyalty over many years to Senator Syvret and until these recent events, I had hoped and intended to continue to do so. Sir, I do believe that Senator Syvret genuinely believes his concerns are - I believe that he believes them, that he believes them to be serious and valid. However, Sir, I am concerned about the very low morale of the respective managers and staff which I do not believe that there is any way now that that can be restored, that the morale can be improved under the present situation and, Sir, this work that the people do, the managers and staff in child protection, this work is often by its very nature extremely difficult and I believe, Sir, it has been made even more so within the present climate. I do also fear, that at present vulnerable children, young people, may have been put at even more risk and I am very sad that we have had to come this debate today.

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

I rise to comment on some aspects of this situation which the Government of Jersey finds itself in but cannot allow to persist and I commend the Chief Minister for his decision to grasp the nettle and deal with it. I am fully aware of the situation which occurred at Victoria College some 10 years ago because I had a son there at that very time and was a very concerned parent, but I think that Senator Syvret directs his attention slightly wrongly in my experience of that situation in that the fault lay obviously with the guilty party and the Head at the time rather than the individual to whom he referred. Also I note, Sir, in the *Callender Report*, as given to us by the Senator, at the end of the report Mr. Callender does refer to the fact that without understanding the checks and balances in place to monitor and scrutinise the punitive system, it was doubtful of being compliant. Now, he clearly was not understanding the checks and balances, so it is really difficult to put the sort of focus into that report that the Senator is doing. This, in a nutshell, Sir, is more about management style than anything else and while, during my short time in the House, I have appreciated Senator Syvret's style of oratory in the right context, there are occasions when this approach is clearly inappropriate. Senator Syvret's management style can only be described as perhaps autocratic and one likens him to a Victorian mill owner who might sack a member of staff for perhaps looking at him the wrong way. Management style has moved on and in order to develop a successful, harmonious ministry surely it is essential to implement good relations with not only Assistant Ministers, heads of department and all staff. Staff will, I am sure, reciprocate with a positive attitude and problems can be shared and ultimately resolved far more easily by a team effort. A problem shared is a problem halved. Senator Syvret's treatment of trained professionals in the last few months is quite reprehensible and cannot be allowed to continue. I would urge him however,

Sir, if this proposition succeeds to focus on the backbench position and utilise his considerable political experience in that role as I consider that our ministerial system needs him there. Thank you, Sir.

6.5.4 The Deputy of Grouville:

Many members will question me participating in this debate but I know that to take part or to withdraw I will be criticised either way. Hopefully people will know by now I will do as I have always done and that is to vote the way I believe in regardless, and those that do not know it, do not know me well enough. After advice from the Greffier, which reconfirmed my own thoughts in that I have a job to do and I have to do what I think is right, I will, therefore, act according to my conscience and not allow myself to be constrained by what others think I should or should not do. I am going to concentrate on the issue and that is exactly what everyone else should be concentrating on. The issue is should the Health Minister be removed from his position because he has upset and offended colleagues and people in the organisation he governs? Senator Syvret discovered unlawful systems in place, or that had recently been in place, within the child protection areas which he was responsible for. That upset and offended him and he reacted. He reacted in a way and a manner that was apparently unbecoming to someone in his position. I am sure that Senator Syvret would be the first to admit he could have done things differently, been a little bit more diplomatic, pussyfooted around the issues and spared the tender feelings of the workers within the child protection programme, its management and his colleagues. He discovered certain evidence, written and verbal reports, as to how the system was failing, details of which we have already heard in the Senator's own speech. Failings in the system that is meant to look after and protect children. At the time, the Senator looked to the children, their upbringings, their home life, the way our society has treated them. He empathised with them and he thought about their feelings instead of those employed to protect them and, as I say, he reacted. Sometimes in this job or our duties, which are usually seven days a week, they continue late into the evening, sometimes without a break, without the ability to ever get away on Island, without any secretarial research or support of this kind, if you are doing something as a backbencher, without any form of pastoral care, the duties can, in the ordinary course of events, put enormous amounts of pressure and stress on any one of us. This is exasperated when dealing with emotive and upsetting cases, which involve distressed, challenged and vulnerable children for example. I have been telephoned late in the evening on occasions. Once I remember from a parent whose child had been badly bullied at school. That child had been pinned down to the classroom floor and the contents of a rubbish bin stuffed down their throat. Deeply upsetting and emotive incidences and they do have a bearing. We would not be human if they did not. Imagine, therefore, when a subject as vast as child welfare and protection is taken up, its alleged failings highlighted, less than complimentary reports produced and people start to come forward with their own stories and this is met with a brick wall, obstructions or the bland path of least resistance, sometimes offered to politicians. Is it so really surprising that the Member responsible should become frustrated and may not act and behave in a way that others deem appropriate? The style adopted may become more confrontational to what is usually the diplomatic, polite and comfortable custom and the tone of the correspondence sent out is unorthodox and the turn of phrase used not as delicately put as it might have been. I have to say, though, of all the sections of the civil service who one might have thought would have understood people may behave differently under extreme pressure, it would surely be Social Services and the psychiatrists. The Council of Ministers' premature, in my opinion, reaction to the complaints of a possible failing system was to immediately back the stance of the senior civil servants, the very people responsible for the service under criticism and to victimise their Minister for investigating the issue and acting on the matter. Why did they not take his concerns over and support him? Why have they added to the issue of the situation yet further by lodging this proposition in very short order? I also find the reasons for dismissing Senator Syvret, in their report, to be extremely judgmental and as I said, premature. The language used in their report, for example, states: "Unfairly attacking staff." Until the investigations are complete, what justification have the Council of Ministers got to describe it

as unfair? Again, in the next paragraph: “Unfairly undermining the reputation of child protection.” Is it unfairly? What evidence is there for claiming it to be unfair? The Senator is accused of breakdowns in relations with staff. Are these the same managers and staff who wrote or had knowledge of the letter sent to the Minister referred to in appendix seven of his bundle asking for his resignation because of the concerns he had raised over their areas of responsibility. Is it any wonder therefore that these breakdowns would occur? But who is it that carries the can? It is the Minister. Some of these emails sent by the Senator have been described as bullying and harassment of staff. What it does not explain, because it cannot, is if there was any justification in the criticisms made in the communications. The Minister might have good reason to be angry and act as such. The Minister is accused of breaching the data protection laws. Did the Minister for Housing lose his Ministry this time last year when he breached the same laws?

Senator F.H. Walker:

On the point of order, the Minister for Housing did not, in his capacity as the Minister for Housing, breach the data protection laws. No Minister has breached the data protection laws until this incident.

The Deputy of Grouville:

Okay, when he was the President of the committee. So, before siding with anyone and deciding to dismiss their Minister for actions they know not were justified, we need to find out if there was any justification for the Minister to be angry and frustrated, and if his actions were unfair and/or if inappropriate under the circumstances. The Council of Ministers has brought this very damaging proposition to this Assembly. They ask the rest of us to cast judgment without all the facts; ironically, the very criticism they wheeled on Senator Syvret in their report. Instead of this they should be bringing the Minister and those affected by Minister’s criticisms around a table to talk about bruised feelings, but more importantly to ensure the job in hand is being carried out to the highest possible standards. The Council of Ministers need to let these reports and inquiries commence, and when they are complete we then need to consider carefully their findings and recommendations. Only then can we be expected to decide what action needs to be taken. I say to the Council: “Do not be so precious. Work with your Minister at this crucial time. Give him the support he so desperately needs. Reflect on his good record as President and Minister for Health, cited in his own vote of confidence proposition. Get the facts, get the evidence, and only then the decisions as to who has behaved inappropriately, and who should be relieved of their position can be made.”

6.5.5 Deputy D.W. Mezbourian:

I rise at the behest of the Senator who has said that he wants to hear the views of ordinary members of the House. As one of those ordinary members, and as one who has known the Senator for many years, indeed prior to his election to this Assembly, he needs to hear my comments. I believe it is the duty of all members to raise issues that cause them concern, to ask questions that may cause controversy, and to maintain their stance in the face of vociferous opposition. I respect their right to do this. Personal respect, however, and the confidence it instils in us is not a right. It is a quality that must be earned. We do so through our words, through our manner and through our tone. That respect, when earned, we retain through our words, our manner and our tone. Sir, I believe that the Senator did earn respect from colleagues, from his staff and from the public at large. I have asked myself a number of questions in connection with this matter. First, would I respect the Senator’s choice of words, manner and tone if he was not a member of the States? The answer is I would not. Secondly, do I respect them from a Minister in the States of Jersey? No, Sir, I do not. Finally, has the Minister retained my respect and my confidence in him? No, Sir, he has not.

6.5.6 Senator M.E. Vibert:

As you can see I am not absolutely overjoyed speaking and I have no wish to prolong this, but my concern is that for Members and people listening in that if I did not speak they may think that I accept many of the things Senator Syvret has said, which I do not. Perhaps to clarify some things for members. They may have noticed that I did not sign the first letter of the Council of Ministers calling for Senator Syvret to step down and that was because I was persuaded as one of the corporate parents, along with Senator Kinnard and Senator Syvret of the Children's Executive, that it might be necessary to keep working in partnership with Senator Syvret in the meantime, and therefore decided that it would be better not to sign that. Subsequent actions by Senator Syvret have proved that this has been impossible. In fact he is quite scathing of the Children's Executive and has, in breaking the Ministerial Code of Conduct on a number of occasions now, failed to consult as he should have with Senator Kinnard and myself over a number of decisions. They include dismissing the Chair of the Jersey Child Protection Committee whose appointment had been agreed with both Education and Home Affairs, but we were just told after the event. Again without consultation, appointing a new Chair of the Jersey Child Protection Committee, and inviting the Howard League for Penal Reform to investigate; again, no consultation whatsoever. I would have thought in working together, as we were the corporate parents for the Children's Executive, it would have been beholden in good practice to consult on these issues. In fact it is in the Ministerial Code of Conduct. Sir, it was mentioned right at the end of Senator Syvret's speech about sort of political responsibility, and he named myself and Senator Kinnard, who is not here to defend herself in particular, and, you know, sort of said: "No hiding place for one or two other Ministers" and I agree there is no hiding place, and I have said publicly and I say publicly again – "I will accept political responsibility for anything that has happened under my watch. If the Williamson Inquiry comes out with any recommendations and so on I will consider them and act upon them immediately and accept full responsibility for anything that has been done. I will not blame it on the officers. I will not say I was only taking advice, and will accept that if there is something to be politically responsible for I will be politically responsible. You cannot just blame it on the officers. I have been at Education now for coming up to five years and accept that I am politically responsible. Senator Syvret has been at Health and Social Services, with the emphasis on Social Services, for nearly eight years now and does not seem to want to accept that political responsibility; seems to want to just put all the blame on officers if there is any blame to be put. Well, I will not. I will accept political responsibility. In defending this request for the States to dismiss him, Senator Syvret has demonstrated, and in his papers he has done and in his emails, that he has obviously no confidence in his Council of Ministers, his Chief Minister; he has made that very clear in his emails. He has accused us of trying to block child protection issues, which is very hurtful to every Minister, and particularly those who have been concerned and got a record with such issues. I find it particularly upsetting as I was a special needs teacher for nearly a decade, and dealt with on a daily basis very damaged challenging children to the best of my ability, and I do not like, and I find it very hard, being told that I am trying to block things, which I was not at all, and the Council of Ministers were not at all. In fact, the Council of Ministers immediately agreed and that we should have an inquiry to investigate all this. In fact we wanted to act immediately and set up three inquiries. One of those inquiries had to fall away now because the Chair of the JCPC was somehow summarily dismissed. But I think members they know this, the Council of Ministers is a team. Senator Syvret has made it clear through his actions he is not prepared to work as part of a team and with the other Ministers, and I do not think that situation can go on and it is a quite simple choice, and if Senator Syvret felt that way he could have brought a vote of no confidence in his fellow Council of Ministers and his Chief Minister rather than a vote of confidence in himself, which I have not heard of before. To refer to my Assistant Minister, the Deputy of Grouville's comments about it was Senator Syvret's complaints about a possible failing system, I am afraid that is not correct. Senator Syvret did not use 'possible' in it. Senator Syvret stated as his so-called fact that the system had failed and was failing, and about allegations. It was about statements already condemning, already coming to conclusions. In fact you wonder why Senator Syvret is supporting any inquiry because he seems to know all the answers already. He has already decided about these

things. I have not. I think that is the job of the inquiry. It is to allow the evidence to be properly investigated, to allow people to have natural justice, particularly those people who have been summarily condemned by Senator Syvret, to have their say and to put it right. Senator Syvret has made great play of the Grand Prix system that was in operation previously at the Greenfields secure unit. It is my submission that Senator Syvret provided selective and incomplete documentation to the Howard League expert who commented on this incomplete information. I do not know why fuller information was not provided. It was in Senator Syvret's ability to provide that information, and I have since provided it to States' members and others, the way it operated. I am not coming to a judgment on the Grand Prix system. I did not do it for that. I did not defend it. I provided fuller information. Senator Syvret again made play of the person who did object and who did raise concerns ended up getting sacked. Well, the person concerned was dismissed on competency grounds and only raised these issues after his competency was raised. Those issues have been investigated and States' members have seen the results in a report, again by an officer, and Senator Syvret no doubt would say it is another officer and it is part of the collusion and the clique and everything else, but an officer with great experience in this area who said there was no foundation to, but this is now for the Williamson inquiry to look at it. Senator Syvret referred to a lot of things but he said it is always better to speak out and I agree, it is always better to speak out about things like this. Yes, but how you speak out is equally as important as the speaking out. Senator Syvret, as is his very trenchant way, said there was no sort of question that his actions may have caused anything untoward or, you know, detrimental to the children's services. Well, I do not take it as a fact, Senator Syvret, that is a point of view. It is a point of view that could be backed up by some research. It is a point of view that is not backed up by all research, and I would just like to quote briefly from an article on child abuse and neglect called *Moving from blame to quality. How to respond to failures in child protection services* by Peter Lackman. He is from the Great Ormond Street Hospital for Children, and Claudia Bernhard, who is from Adele Smith's College University of London. It is a very, very interesting paper about how to improve your services. I do not say that whether it is right or wrong but I will just do this quote from this article: "In environments where blame is individualised and society seeks scapegoats when errors and wrong decisions are made, the practitioners are likely to develop defensive attitudes which do not lead to ongoing improvement in the service provided." I think what I am saying here is there can be more than one view of it, and certainly reasonable and backed up by research to take the view that raising the issues in the way Senator Syvret has done by attacking and seeking to apportion blame before any inquiry does lead to a decline in what we are trying to achieve which is constant improvement. What I find so difficult in dealing with all this, and with the constant emails that have been flowing, is that allegations are constantly stated as facts. I find that just not consistent with what any States' Member should do let alone a Minister because it is a denial of one of Senator Syvret's favourite phrases, natural justice. Here is a Minister in a very privileged position and a privileged position today in this House, condemning people when they have not the ability or the right of a reply which they will have in the inquiry. So allegations are one thing but making statements of fact, as Senator Syvret frequently did, I think is not the way to behave. Senator Syvret has complained due process was not followed in relation to bringing this forward, but has not addressed the issue that the Senator himself has constantly and consistently failed to follow due process on numerous occasions as outlined in our proposition, including no consultation as I said with the corporate parents is a clear breach of what he willingly signed up to do. The *Kathie Bull Report* was referred to. Senator Syvret proudly announced he was a co-commissioner of the *Kathie Bull Report*, and proudly announced that he gave it and leaked it to the media. I think it is something of making a virtue out of a vice, because it had been planned to release that report as I had just become involved. In fact, one of the first things placed in front of me when the Assembly elected me President of Education, Sport and Culture, as it then was, was the *Kathie Bull Report* had not up until then been acted upon. When I arrived on the very first day after being elected in this Assembly at the department, I insisted it was acted upon immediately, and we started a plan to release the report, but Senator Syvret decided that before anybody else saw it and could have an opportunity to comment, people

named in it, that he would release it to the media. That to me is not a virtue. It is a vice. It was not that it was not planned to issue it. In fact it was going to be issued in a few days, but it was to allow people named in it to see it first as a courtesy. That is a courtesy we do to States' Members. Again, Senator Syvret states as fact about the Grand Prix system, it is unlawful. He states exactly how it happened, what it was like, what the secure unit was like and so on. Well, I cannot state that and I believe it is for the inquiry to come up with a decision on that. What I find difficult was that as Senator Syvret never visited Greenfields how he knows all these things. Has he seen the units concerned? No. He has never visited Greenfields. Has he spoken to the staff? He mentioned speaking to the staff at the coalface and as far as I know he has never been to the coalface, so I do not know where he has spoken to the staff. He has obviously spoken to the staff somewhere else rather than the coalface. I have visited Greenfields, not to collude with the officers but to be walked through the present procedures of when a young person arrives there, to talk to staff, to ask them how it operated, to see for myself the facilities so that at least I have that knowledge in speaking and dealing with them. Senator Syvret knows all these things as facts without ever having set foot in the place. One can only think that he bases it all as we have said before on the so-called evidence of someone who was dismissed from the service. His view of the Grand Prix system, Sir, is not supported by his own department who produced a report, an officer, who is very experienced in such matters, produced a report on it and yet Senator Syvret appears to know better and all the answers already. Perhaps the inquiry will find this, but Senator Syvret's theory seems to be that nearly every officer involved colludes and conspires together, through all the different departments, to thwart and to protect each other. But I have no evidence of that and I have seen no evidence of that, and I am not going to condemn people without there being a proper inquiry. If evidence comes out that any officer has acted improperly then the proper action will and should be taken. Again, Senator Syvret referred to the issue which first came up because when Senator Syvret first raised all this there was no mention of Greenfields or the Grand Prix. It was all based on a serious case review which he regarded as a corporate failure. He picked his words carefully, and I would have liked to have seen and still have not seen the email that we have not been provided with that Senator Syvret quoted from, because I have seen, and now all States' Members have seen, the email from the paediatrician concerned which is totally at odds with Senator Syvret's view of things in my submission. It is not "a shocking and disgraceful multi agency failure." That is the words of Senator Syvret. I do not see how he can possibly say that from the email when the consulting paediatrician was asked very direct questions, specific questions. My question is "whether there is anything in your report on the SCR into the specific case which suggests or justifies the Minister's allegation of grossly inadequate performance of the child protection apparatus in Jersey?" The answer: "No, I did not uncover evidence of grossly inadequate performance of the child protection apparatus in Jersey." Question. "I would also like to know whether there was anything in your report which could be said to be evidence of the gross failure of any individuals?" Answer: "No. I did not find evidence of gross incompetence, complacency or failure to co-operate on the part of any individual to protect the subject of this SCR." Compare that with Senator Syvret's description of the shocking and disgraceful multi agency failure. No one can condone what happened. No one would condone what happened to this child. As I have said I have been involved with working with children in need and certainly I have very strong feelings on such issues. But being angry and having strong feelings on these issues does not mean, or should not mean, that you lash out and condemn the people without allowing them the opportunity to put their side of the story. I am not defending people. I am not defending the Grand Prix system. I am not defending any people involved in the serious case review other than to say they must be given the opportunity of natural justice to put their view forward to any allegations that are made. Senator Syvret has raised issues going back periods of years, the awful and unfortunate Jervis Dykes Affair at Victoria College, and I, like the Connétable of St. Brelade, had 2 sons there during that very, very unhappy period, and you can imagine how I felt at what was uncovered. It was appalling but it was uncovered and it was dealt with, and I do not think more than a decade on from when these incidents happened that it can be now brought forward as so-called evidence that there is a complete break down in today's

procedures, and also the idea that you have to react in this way to get something done. Senator Syvret said: "None of this would have happened unless there was a real shock to the system occurred." Well, I do not agree, and I would quote the *Kathie Bull Report* as an example to show that things can happen without resorting to the totally unacceptable behaviour of the Senator, Kathie Bull was called in in the first instance to report on a much narrower issue, and when she uncovered certain concerns she was instructed and put forward to carry out a much bigger review; hardly the attitude of people trying to cover things up and hardly the attitude of you need to have an enormous shock to achieve this. This was done properly and has led to enormous improvements in our dealing with SEBD (Severe Emotional Behavioural Difficulties) children. Again, I would just like to stress that the Council of Ministers have not in any way tried to block the review. It has insisted, as soon as Senator Syvret raised these issues, of the need for a full independent review but what we have not done, as Senator Syvret appears to have done, is to prejudge all these issues and condemn people out of hand. Sir, the Deputy of Grouville appeared to be arguing that Senator Syvret had reason to be angry, that excused his behaviour and conduct. Well, it does not to me. I was angry. I have been angry a number of times but I do not think you achieve what you set out to achieve by behaving and conducting yourself in a manner that Senator Syvret has. It is unbecoming in my mind to both a Minister and a States' member. I think in his reply Senator Syvret has not addressed the basis of his proposition, that is his conduct, behaviour and his language. He has not addressed the alleged breaches of the Ministerial Members Code of Conduct which I believe are laid out in the report. Senator Syvret has sought to bring in the child protection issues. The child protection issues, and we all agreed on the Council of Ministers and I would hope if necessary the States would agree, must be fully investigated. This debate is about whether the way Senator Syvret has conducted himself is consistent with being a Minister and being part of the team of the Council of Ministers. Sir, I think it is evident that the case has been made and that the Senator has not acted in the appropriate way.

6.5.7 Deputy J.J. Huet of St. Helier:

I have been to see Mr. Williamson, that is the gentleman's name, because I have had concerns over the years, but I only took one case to him and that was with the full permission of the parents, and with all the evidence and lawyer's letters and so forth. He was, I have to say, a very understanding gentleman. It was very easy to talk to him. I am a people watcher as you probably know, Sir, and he did seem quite amazed at some of the things I told him, but I got the impression he would look into the case that I had taken to him, because I told him that, you know, I had before tried to look into this but never had handed it in. Now, a little while after somebody I met said: "Was it not terrible about the childcare officers, you know, this awful thing that was going on?" I have to say I have a big fault and I know I have this fault, I engage mouth before brain sometimes, and without even thinking it I sort of said: "Oh, well, no, I do not think it is terrible because I have got some concerns, very much so, on this and I am really pleased that it is going to be looked into because I have had a couple of people that I have run into over the years from this department and I am not impressed." Then I realised that was not really the most tactful of things that I could have said but I had said it by then and you cannot take things back. I am not going to change it because I do believe that each time... I have a couple of times rang this particular department with concerns that I have had. I have spoken to the head of the department or the previous head of the department and I have to say I have always been fobbed off. I do not like being fobbed off, and it is very difficult if you have not got evidence in black and white and, you know, in the end, I must admit I said to him: "Either put up or shut up", and they shut up. They did not put up. So I could think, okay, I have not got anything out in the open but I think I was correct. So I do believe during my time in the States that there has been some cover ups. I do believe that. I mean, I do think that is part of life. Life is like that. You know, sometimes it is easier to cover things up than it is to bring it out in the open, so I am sure it has happened. Like it does in life it is going to happen. It is not going to suddenly change because we are sitting in the States, and you cannot prove things. Sir, whenever I have been concerned about something and I cannot officially change it, I have a resolution I made to myself, I

will not be part of it. I used to be on the Harbours and Airports Committee, and then certain things happened. I did complain and I was told nothing could be done because there was no official charges, and I thought that is perfectly correct according to the letter of the law but I am not going to be part of it, and I resigned from it. Now, that is my conscience. I would not. Now, I have to say, Sir, I do not know if you are on the government email. I am not and I am convinced I am never going to go on the government email [**Laughter**] after what has been going on lately. Well, I am amazed, you know, when I spoke to people about what comes out on emails. I cannot believe people do this, you know. They must be slightly screwy I can only think, but you know I have to say I wonder if those emails, thinking of if you have got children, you know, my dad is bigger than your dad type of thing, would they have ever got as far as they did if this letter that was written by whoever had not been leaked to the press? You know, it is like children, because who leaked the letter to the press? Was it the Council of Ministers? Well, I would hope not because I would not think that that would be very good behaviour on their part. Was it the civil servants? Well, I would hope not again because again what is that behaviour on their part? But somebody must have leaked it to the press because they got it from somewhere. Well, they certainly did not get it from me because I am not on email. I have spoken to the Chief Minister and I have spoken to the Health Minister, and I said to the Health Minister I would back him on the childcare here because I have concerns myself but I did say to him, and I am sure he will say it, I said to him if he has done anything that he should not have done, like releasing papers, I would not be backing him because it comes down to conduct at the end of the day. I think the conduct is unbelievable but this is what it is about in this Chamber today. It is conduct. I have to say I am glad that it has come up because I do not think maybe we would have ever had an inquiry into the childcare conduct. So in some ways I have to say I am pleased, and I hope there will be a full inquiry, and I think a lot of things will come out if there is a full inquiry, but today I think we must state that what we are talking about here today, and I have tried to say this to anybody from outside, it is conduct that we are talking about. I hope the other will be attended to in due course.

6.5.8 Deputy K.C. Lewis:

I have read The Chief Minister's proposition, sir, P.115, and the Minister for Health and Social Services' reply. There is no doubt the Minister for Health and Social Services does have a few valid points, albeit some of them are historical, but with the appointment of Mr. Andrew Williamson CBE to investigate and report upon issues relating to child protection in Jersey, on reading the gentleman's curriculum vitae I am sure that it would be acceptable to all parties concerned. I have to say that all the people I know in childcare are good caring people so with that in mind, would the Minister now apologise to all Health and Social Services personnel to whom he has caused offence?

6.5.9 The Connétable of St. Peter:

This morning I voted against this debate taking place today and the reason that I voted that way I will explain. It was simply because I did not feel that the correct procedure was being taken or adopted. It is very clear that an investigation has been requested to go into this subject in every possible detail and in the light of the detail of Projet 115, in the light of the comments that have been compiled and released this morning by the Minister for Health, it is clearly very badly needed and the sooner it takes place the better. The results of this actual outcome, I believe, holds the fundamental key to the whole subject and the whole problem that we have got, because I liken it to if anyone were going into court under a certain charge but the case would be made for the prosecution and nothing else, that was it, cease there, decision made on one side, clearly one side of the story. I put a simple motion to the House. What happens after today or tomorrow maybe if this vote goes against the Health Minister and in favour of the proposition by the Chief Minister, and the investigation come out emphatically against the actual current working of the whole system in the operation? Where does that leave everyone? I would respectfully suggest that that would leave everyone in a far more and greater embarrassing position than indeed what they are now. I mean, I

would be the first to acknowledge that the Chief Minister outlined in his speech this morning that there have been some rather unfortunate and extremely abrasive comments expressed by the Health Minister and, the Health Minister himself, has acknowledged that possibly he did push it a shade too far in some instances of comment. But I think it is a sad reflection when the governing body of ten Ministers come to this House and tell the public of this Island that they cannot within the confines of the meeting room and forum set about solving this problem, or at least getting a degree of good sense and reason to prevail. I think it is quite sad that that reflects the state of play this day. I am not certainly taking sides. I have got no time for any blatant rudeness on anyone's part whatever form it takes. I believe in courtesies at all times. But what I would, I believe, expect that everybody has the right to make their case and to make it with full fact and information, because if you are listening to, perhaps, the persuasive power, as we have here, of a group of Ministers, I mean, that is already a formidable barrage that you are up against. The other side of it, if there is so much wrong, and again I just pose a question to members, if there is so much wrong as directed by the Chief Minister again towards the one performance of the Minister for Health, he is one of a 3-dimensional side which look after the interest of this establishment, or these establishments in the general. Now, I would submit that there is an equal answer, and a degree of information has got to be sought of the Minister for Education, Sport and Culture and equally so from the Minister for Home Affairs, and they all have an interest within this subject, very much so. It is not a sole responsibility of the Minister for Health to deal and solve this particular matter. Up to this moment in time of the debate, I have not been persuaded which way I am going to vote because I am not at all happy with some of the comments that I have been hearing. I am doing my best to go through the paperwork, all of it, as presented earlier today and it is making quite interesting reading, and indeed providing information there, quite frankly, that I believe there is many elements, many parts of it with references made that have to be looked into, and have to be looked into with seriousness and a great degree of understanding, and I do not envy the gentleman that is charged with this particular duty. But I believe that at this moment it is most unfortunate that we are being called upon to make such a decision and, I repeat, I feel very let down and disappointed that we were faced with this today as a recommendation from the Chief Minister on behalf of the rest of his Ministers, Sir.

6.5.10 Deputy J.A. Martin:

I do not have much to say. I just want to make a few comments on what I have heard so far, and obviously it was me who started the events. It was a question that I asked, but it did seem to snowball very quickly. I asked a question, I think, on 16th July, the last States' sitting, and to the first States' sitting the Minister had returned to an open question. In the Council of Ministers' report we have the letter from the Jersey Child Protection Committee which was composed and sent from what I can make out on Wednesday, 25th July, six or seven days later. But what I find extraordinary is the third paragraph down, and we have already had Senator Vibert say Senator Syvret is presenting allegations as facts. Well, let me just read. Now, this is the Chair of the Jersey Child Protection Committee, six or seven days after I asked a simple question, and there was a report in the *JEP*. This is to Senator Frank Walker, and you have all got it at appendix 5 but I just emphasise the first couple of lines: "The committee wishes to state in the strongest possible terms that the Minister's actions has increased the risk to those children who require protection from abuse." "Has increased the risk" where is the evidence? Sorry, no evidence. "Public confidence in these services is essential to ensure early referral of concerns and they have unwarranted the erosion that confidence that places vulnerable children at risk." It even goes on to say: "The report in the *Jersey Evening Post* on Friday is so damning that the outcome of cases currently before The Royal Court may be prejudiced leaving children unprotected." Now this is from the Chair of the Child Protection Committee. Now, this is prior to any of the maybe so-called, yes, rude, maybe, not my choice of words but I would be very angry, because this is not fact. These are threats. This is to the Chief Minister and to the Ministers to remove the Minister for Health, because in this House what he was elected to do he expressed, to a perfectly reasonable question, extreme concerns that

he still had with the Social Services and children's side of the Health Committee. Now I was on Health and I always said - and I think that is why I asked the question. I do not think the *Bull Report*... I think there is two-thirds of it still outstanding. Yes, we have a beautiful new building called Greenfields. I am not sure that this regime does not take place there, Sir, and I do welcome the *Williamson Report*, but again the *Kathie Bull Report* took over two years, and I am told that all these questions are going to be answered in the next few weeks, maybe a couple of months. I do not have the confidence that this will happen, but if it does happen I have the same concerns as the Connétable of St. Peter. Why are we not waiting to see? I think the Deputy of Grouville used the word "precious". Well, I am sorry. I do not accept that all the people who work in child protection or in Education or on Home Affairs who have anything to do with children are demoralised. In fact I said, and I did, I had the courtesy to go the open invitation to meet Senator in informal discussion on Friday. I think only about six or seven of us turned up. But I did say, you know, we really need to support - no, that is right. I said if I was working in any aspect, top civil servant down to cleaning lady at one of these facilities, but I was in direct contact and I had to have a pre-police check and everything else, and anything was thrown across the whole gambit of the protection to children, if my hands were clean, Sir, I would say bring it on, and especially if I was the Chair of the Jersey Child Protection Committee I certainly would never have endorsed or wrote a letter to say that one member's actions or a few words in the *JEP* had increased the risks to those children who required protection from abuse. That paragraph alone is totally unacceptable. I have to wait to see what Senator Syvret and Walker probably have to say on the summing up, but I just leave it down to that. I have always had concerns that all of the *Bull Report* has not been carried out. The way this has been instigated is, you know, six days and, you know, calling for this Minister's blood. We want his head on a plate, and the letter is written to the Chief Minister: "Dear Frank." Well, I am very sorry that is where it all began and, yes, if you say that the Minister's actions were not perhaps dignified and the words again were a bit coloured or even some would even go a bit further we are talking about a very serious issue and, I think, even reading this the Senator could have been provoked into where he was coming from. They were taking no prisoners. They were accusing him of making the position worse for children with absolutely no evidence, only their opinion, because this was five or six days. They had all got together, quick meeting as it says, a meeting which took place today at 3.00 p.m., and a meeting that was just called to decide whether what to put in the letter, but I think the letter by then had apparently already been written. So as I say, Sir, I do not wish to say anymore. I say bring on the next investigation. I do not like the way this has been handled and the speed that it was handled, and I think so far there might not be evidence; there are allegations. They are not proven either way and I wait and see the outcome, so at the moment I cannot say that I have no confidence in the Minister, and he is the Minister for Health and Social Services, and I think most of the people he has spoken to should be big enough to take some of the criticism that he does label them with. If not, well, as the Deputy Huet has just said, in hindsight the 'reply to all button' on the email is something that I would like to be erased as well.

6.5.11 Deputy G.P. Southern:

It is perhaps apposite that I rise to speak after Deputy Martin because we do seem, surprisingly, to think along similar lines on this particular case. First of all, it must be said that whatever decision we reach today we are, by and large, making a decision in the dark. Certainly, I do not feel I have a comprehensive grasp of all of the detail and all of the data, and the sequence of the data in which things have happened, having received this document; it is not numbered but feels like about 80 sides this morning. No one in this room can feel that they have done that weight of evidence, along with the weight of evidence produced by the Minister, full justice. So, let us not pretend that we are acting with some sort of wisdom, Solomonic or not, wisdom of Solomon or not. We do not have all the information, and so I have to turn to the document produced by The Chief Minister, and I examine that and I come across the phrase among, is it, the seven issues that the Ministers have with the Minister for Health, where it says: "Conduct unbecoming"; conduct unbecoming in this case to a Minister, but I have heard I recollect conduct unbecoming was about an officer and a

gentleman. While he may be a Minister, I do not think he qualifies as an officer – certainly not officer class – and as to his being a gentleman, I will leave that to others to decide. But that is not the central issue. Is he behaving like a gentleman? Absolutely not. Is the Minister a difficult man to work with? Absolutely. But does that make him unworthy to be a Minister? Does that make him sackable? I do not believe so. In saying that, I do not attempt to justify for one second some of the phrases that have been used, some of the reaction that the Minister has used, the overreaction. He has gone over the top. The question is, can that be justified and is there an issue beneath the language, beneath the breach of protocols? I believe that there is. I, too, start my reaction with that letter from the Jersey Child Protection Committee signed by Mrs. Le Feuvre and point to the speedy reaction from the 16th. A remark made in answer to a question on the 16th, by 25th July has become a letter from the Chair of the Jersey Child Protection Committee not to the relevant Minister but to the Chief Minister which ends: “Formally states it has no confidence in his ability to hold political responsibility for this critical area of this service”. Within a few working days a letter arrives to the Chief Minister, no confidence. A vote of no confidence. That seems to me to ring alarm bells, especially when the criticism that has been made is about the area for which this committee has overseeing, monitoring, regulatory responsibility. This is the body that make sure things are done right. This is where the criticism is going to land if it does land. Within a few days we have got no confidence. We have been criticised effectively by the Minister and that starts the ball rolling. The question is, is there an issue here? Is there a serious issue? Whether or not the Minister was approached in the right way, whether or not he has gone over the top in his reaction to it are the fundamental questions that he is asking, underneath all the hype, valid, true and legitimate? I then turn and I am entirely in the Chief Minister’s documentation. I am not using the Health Minister’s documentation at all. So I then turn to the Serious Case Review and as it says this Serious Case Review is about procedures and about do the procedures need to change, have we got procedures right? It is not about handling individual blame. You read through those 10 recommendations at the end of this report and cumulatively you start to get - certainly while the language completely moderate: “This should be done. This must be done. This did not happen. This must be corrected”. Each one sounds relatively mild but cumulatively in the context of a Serious Case Review this is indeed very serious stuff and should be the cause of immediate, prompt and in-depth action to do something about it. Again, turning forward we have the response of 9th August from the Deputy Chief Minister to the then Chair of the Child Protection Committee which talks about the actions that will be initiated. Following on that, 21 – not 10 now but 21 – issues brought forward for investigation, each one of them serious failings on behalf of child protection system and asking why individuals in this particular case did not stick to protocols and why issues that should have been raised, that should have been communicated and should have been investigated were not. So from 10 procedures not filled, we are in to 21 individual decisions in a particular instance where the system – and the words must be “the system” – completely failed. So that leaves me, yes, there is a serious issue and despite the hype that has gone around about that, this issue must be investigated and laid to rest. My next question then is, what next? Where do we go from here? As I consider that I think about who I want to be involved in making sure that this investigation is as thorough and comprehensive and pulls no punches and gets some changed behaviour and some changed procedures that are correct in terms of protecting our children. Do I want to see the Minister sacked and a replacement put in there or do I want to see this Minister – difficult man though he is – with tremendous capabilities but tremendous bridges to build again with his departments and indeed with his colleagues, do I want to see him in there making sure that this report when it does come out is as thorough and deep and effective as it possibly can be? I think I am of the opinion that in order to make sure that this happens that this Minister – the current Minister – is the man who can make sure that happens. That would be a difficult task in terms of what may be broken relationships, fences that need mending. Nonetheless, if I have to trust anybody with delivering on these issues it is this man. This motion for dismissal, again I come back to the seven points that are raised by the Chief Minister and the other Ministers. I look at them individually and I think, yes, mistakes were made. Protocols were not strictly adhered to. Yes,

language over the top I cannot support in any way. But, nonetheless, at the base of it is a committed Minister determined to make sure that this time – this time – after many attempts to get things changed, this time we will get some thorough change and reorganisation that produces a more effective and a better system to protect our children. So I do not think I will be voting for this dismissal motion.

6.5.12 Deputy S.C. Ferguson:

I was not going to speak in this debate but I am a little confused about this. The Minister tells us that he discussed the child protection matter and the *Sharp Report* with his chief officer when he arrived in the Island. At that time he was President of the Health Committee of which I was a member. So I do question why it was not brought formally to the Committee so that we could set the investigation going four years ago. Four years that we have wasted. The Council of Ministers appear to have taken action immediately on receiving his complaint. I am a little confused as to why the Senator finds a problem with this. Going on from this, apropos the manner of conduct and so on, in my experience in a former life – as one of my colleagues would say – when you paint yourself right into a corner then you have just had it. You have got to leave a bridge so that you can make bridges. I cannot see that the Senator has done this. I also wonder whether the man with responsibility for Social Services and the man under whom this department has apparently so failed, should you not get a new pair of eyes to look at this? But basically his behaviour has painted himself into a corner. I am sorry he has never learned that you catch more flies with treacle than with vinegar. I am sorry, you know, there is a time when you retire gracefully as Lord Carrington did over the Foreign Office kaffuffle in the Falklands. You know, you are responsible for your department and if they make a real mess of it then perhaps you ought to fall on your sword. It is your responsibility in the ultimate.

6.5.13 Deputy S. Power:

I have crossed swords with the Health Minister in my short 20 months in this Assembly. We seem to disagree on certain things but I do not think I bear any grudges against him and I hope he does not bear any grudges against me. Sir, the Minister has taken a cricket bat to protocol and as a result of that cricket bat, both taken at the Council of Ministers and at some senior civil servants in Social Services, we are where we are today. I have seen many of the animated emails that he has sent. I have seen all of them, I think, at this stage that he has sent throughout the system. I detect within the lines of these emails a great degree of anguish and a great degree of frustration with the Minister. Almost I would say that the Minister displays within himself – within his deep self – a degree of almost torment with what has happened; both what he says has happened within his department but also what has happened to himself. He has made a number of references over the years to his own personal experience of bullying and suchlike and his unhappy childhood at school. I think the Minister has a deep interest in this area which I feel reflects some of what he has said in the last six to eight weeks. I also think that within the Senator Syvret we know there is a conflict between Senator Syvret the politician, Senator Syvret the Health Minister and Senator Syvret who is on the Council of Ministers. When we look at what is involved in being a Minister, a Minister has to be a team player. He is supposed to be statesman-like or she is supposed to be statesman-like, ambassadorial, diplomatic, displays leadership skills, able to solve problems, able to make decisions. I think the Senator's recent performance shows that in this particular area he lacks some of these abilities and as a result of that the Chief Minister has brought this vote of dismissal. The broader picture, however, is that in Jersey society, like all other societies, we have people who do bad things. Jersey as a society has safety nets to pick up those that are damaged by people who indulge in criminality. We have heard a number of references today to what happened at Victoria College. We have heard references to paedophilia, more child abuse and other areas like that. If a person who willingly wants to set out and do some of these areas that are referred to, there is little or nothing that the safety nets can do to mitigate that. What our system tries to do is pick up from that and then try and pick up the broken, damaged lives that the Senator eloquently refers to. The

Senator has referred in this Chamber many, many times to bad parenting and what he alleges has happened within the States' system also happens outside the States' system. Within the States' system we pick up the damaged lives of these youths that have been referred to in these emails over the past six to eight weeks. The Senator refers to public servants who have not performed in the manner that he thinks they should have performed. I think like all of us in this Chamber there are excellent public servants, there are good public servants and there are those that do not perform well. At the moment we do not have the evidence of that but we do have a committee of inquiry and more than one inquiry which is going to find out what exactly has happened. It is my personal opinion that the Minister has been unhappy for some time in his role as a Minister. I reflect on that statement by - I say that the Minister is a formidable politician and he is indeed an important and valued addition to this House and this Assembly. However, it is for him to decide how he reconciles his role today and his role in the future. He is an enormously popular public figure and indeed he has a sixth sense when he plugs into the mood of the public. I will be honest, therefore, with the Minister and say that in my opinion he is displaying all the characteristics that somebody who has had enough of being a Minister and feels that while he would like to remain as Health Minister, his role is not compatible with being a Council Member. So, Sir, I urge the Minister to follow his instincts and if he feels so minded to free himself of what he seems to display as the burden of this office and to revert to what he does best.

6.5.14 Deputy R.G. Le Hérisier:

In that psychiatric assessment I have been beaten to the poll so to speak by Deputy Power. In this debate I am getting more and more confused as it goes along. I did come in with a fairly clear view but I have become more confused. I think we are looking at two sides here. We are looking at the Senator, the Island's favourite rebel and the stirrer, and we are looking at the Senator the Minister. He has done, as Deputy Power said, enormous service. We may not like the way it goes. I think there is an incredible over-dogmatism, if there can be such a thing, in the way it is done. It is very hard to engage at times on a lot of issues with the Senator and to have a reasonable debate, as the members of the Overdale Scrutiny Panel could attest in the follow-up or in the non follow-up. So there is another side. But I think we have to respect him. I entirely share his view. There are complacent, there are stagnant organisations. In Jersey, the culture - as I told the constitutional sub-committee but I do not think my views got anywhere - is an unchallenging culture quite frankly. We are all closed down. We ask too many questions. We are all told we are not doing the right thing. I have experienced that and I know other people in the House have experienced that. The consequence is that some of the people who attain political office in this House, they may be fine politicians but they are not necessarily in the fullest sense of the term the most competent politicians. So I am very weary of this non challenging culture that we do have in this House. To that extent I do support the Senator. I certainly do not support bullying and harassing emails and that is what they are. Several of us have received them in other contexts as well. It is nothing to do with the particular display of anger associated with this case. That is a post hoc rationalisation and one to be treated like that. But, nevertheless, I think he is to be praised for bringing up the issues. He is to be praised for his tenacity which is always the quality we look for; his tenacity in following it through. I think it would have been better - and the Connétable of St. Peter really shook me with his speech because I think he made a very good speech as he normally does but he made a very good one today. I think he said have we got it the right way around? I mean I would have preferred, Sir, to have been discussing a general proposition on management in general. Even had we been discussing that I am not sure which way I would have jumped on that particular proposition because there are a lot of things about which the Health Department should be proud and the Social Services should be proud. But we do know, Sir, that Social Services have been the poor relation. They do not have all the great impetus to fund them because they do not have a lot of big buildings, a lot of complex equipment, a lot of expensive drugs that have to be provided almost irrespective of cost. It is so easy for a service like that to take the front of stage and for Social Services which is about much more soft things and about non-tangible things for it to take the back seat. But I would

I ask the question, Sir, yes, the Minister has been in charge for nearly eight years and, for example, the Victoria College case goes back ten. We had the *Bull Report* which took place I think nearly 5 years ago. Surely given what you read in management textbooks about the management of change, you change when there is a crisis. You move in quickly. You sort things out while there is a certain window, a certain openness; unfreezing as they call it in one of the books. You move in quickly and you shake it up. Surely, Sir, if those people were performing, it is hard to believe that this bad performance has just materialised now. It must have been - as indeed the Senator's comments about entrenched cliques, self-interested groups and so forth. I mean any reading of the system would suggest those groups have existed a long time. Indeed they do exist. They should have been confronted. Bull was the ideal time for those of us of a more tender disposition in dealing with human resource issues. That was the time to move in if indeed, Sir, things were going badly wrong in Children's Services as appears to be the allegation. So I certainly, as with the Connétable of St. Brelade, I cannot accept that you need a little bit of fear. That in a way was the Margaret Thatcher approach to management. She was asked once, Sir: "Is there good morale in the service?" No: "Madam, you are being very hard on people. Morale is really declining". She said: "I want it to decline even further". That is rather in keeping with the Senator's view on management of people. You know, really strip them down, really expose them. I really think while there are 1 or 2 people who perhaps you have to deal with in this way, I really think as a method of management it does leave slightly something to be desired. Sir, to sum up, I fully support the Senator the rebel. I am much less inclined to support the Senator the Minister, I have to say. I will wait to see if there are any other speeches.

6.5.15 Deputy P.N. Troy:

There used to be a TV programme where they introduced a mystery guest who was behind a screen. Someone would say: "We have a Jersey politician behind the screen. He is brash. He is confrontational. He is inclined to dishing out verbal lashings verging sometimes on the edge of rude but he has a sense of humour, rarely exhibited". You would know who that is. Senator Syvret does not on occasions endear himself to everyone. If you are on the end of one of his verbal lashings it is not a pleasant experience. But having said that, it is obvious that the Senator has lost confidence in his department. If there has become a total breakdown in communication between the Minister and a section of his department then what really is the remedy? Should the Senator be kept in post to sort out the problems or should he depart to leave the same staff in post? I think that is his worry that if he did depart those same staff would be there. I did come here thinking that there was a very good chance that I might vote against Senator Syvret today. But I have been wavering because he has identified massive problems, yes, some of which are historical. But those problems I think he has demonstrated have existed and people have been in control and really we do need to establish whether those people should continue in post. He has demonstrated a genuine concern over child protection issues. When I look at Senator Syvret's observations on the New Directions draft which he handed to us, about 14 pages in from the back of this document that he handed to us - it is labelled page 4 but it is 14 pages from the back - there is his comment about child protection issues. The comment itself is numbered five halfway up the page. These are the words of Senator Syvret written he tells me in April or May. I passed a note to him asking him when he wrote this and it was in April or May time he replied by a note. But these are his words written at that time. He says: "This, of course, leads on to child welfare and protection issues. As the ministry which has responsibility for child welfare it again seems a little anomalous that there is not a section devoted to children. Not only should we be putting children at the centre of the strategy for their own sake but dysfunctional childhoods lead to unhealthy lives. Our strategy is a long-term project. Its keystone is changing lifestyle to produce healthy older people, thus improving people's lives and consequently the affordability of health and social care. If we fail in this, we fail in the strategy. To truly succeed in this area we have to succeed in starting children on the right path. While there is some reference in the report to PSE (Personal and Social Education) and health in schools, I do not feel that this is sufficient. I have already asked that we work towards an overarching strategy for

children and childhood for ultimate approval by the States. While that is a medium-term project, we should at least be describing what the problems are and what we propose to address in the children's strategy. Indeed the development and publication of that strategy should be one of the prime objectives in the *New Directions Report*." He wrote that back in May. He is obviously very concerned about this. I think that his thoughts then are clearly demonstrated in a cool, calm, collected manner. I think things have gone out of control since. I think that Senator Syvret has lost faith in the Child Protection Department and that they claim that they have lost faith in him. I want to say to Senator Syvret that I and others can clearly see why he has concerns. It is absolutely right that this has prompted a review. But we do appear at an impasse; a standoff position where swords are drawn ready for the next round of confrontation. To avoid that continued confrontation Senator Syvret should move on. I feel that he perhaps should resign as Minister before we come to the vote, recognising that in doing so he allows a new perspective from a new Minister who I hope will force heads to roll if required. Senator Syvret will then, I feel, maintain his dignity in this. We do not really want to vote him out. We want him to recognise that he has done a good job, that he has achieved much but that the battle should be passed to a new Minister. That new Minister can objectively review the department and take it forward in an impassioned manner without the passion and without the baggage that is there at the present time. So I ask, Sir, that he seriously considers that he does not take us to the vote. I ask that he seriously considers resigning before the completion of this debate.

6.5.16 The Connétable of St. Helier:

Deputy Martin need not feel so bad about asking the question that proved to be the catalyst for this situation back on 16th July. For on that same morning another backbencher asked another Minister a question which had this reply. I am not going to identify the Minister to spare his blushes and to avoid this happening all over again. I quote: "I am afraid it is appropriate to hold my hands up on behalf of my department and senior officers and say that the advice given to the Deputy and to myself was wholly inadequate". He went on to talk about an under-resourced department but said it is most unsatisfactory. On being prompted further the Minister was asked whether there was any similar confusion in his department. He said: "I am not aware of any similar confusion but no doubt there will be other areas of confusion within my department". How rude. I remember at the time thinking: "I wonder if the officers concerned will take umbrage at that?" There must have been something in the coffee on the morning of 16th July. Did the comments produce a call for the Minister's resignation? Of course, no, they did not otherwise Members would know about it. One of the questions I put to Senator Syvret at the end of last week when we met him informally was just how important a part was played in the fact that he alleged in the media that the letter calling for his dismissal by Mrs. Le Feuvre was drafted by a senior civil servant. Members will have seen in appendix 7 of the bundle given to them by the Senator that it is fairly clear that the civil servants of his department had a large part in drafting a letter calling for his resignation. I think that is very serious and it would certainly make me pretty angry if it happened to me. I am reminded of the last experience I have had of facing a no confidence motion not that long ago; the misguided effort of Deputy Baudains to bring down the Environmental Scrutiny Panel. When we were discussing the forthcoming no confidence vote in our committee, it was made absolutely clear by the scrutiny officers that they wanted nothing to do with our discussion. One could see they would almost rather have left the room when we turned our attention to it. They certainly had nothing to do with drafting the report. I have to take the credit for that myself. So I think the issue and it may seem a minor issue to some Members but the position of a Minister knowing that senior civil servants have drafted a letter calling for his resignation does point to a very fundamental weakness in that department. Unless somebody is going to produce evidence that Senator Syvret is wrong in his... but it seems to me it is in black and white in appendix 7. That alone for me would justify the fact that... I mean one cannot condone his language, his swift invective. Some of us might envy it. We certainly would not condone some of the rudeness and so on, the things that have followed. But that act alone, it seems to me, was a gauntlet thrown down by the civil service to the politician who has

been elected to run that department. It seems to me a very serious matter indeed. I think we need to remember that the Minister's duty is not - although it is important to have a good management style, it is important to have a happy ship and a team that is pulling together, the Minister's duty is not ultimately to protect his or her staff in the department. It is not ultimately to rally around his or her fellow Ministers. It is to honestly act without fear or favour for the people of Jersey. If there is one thing that has become very clear in this whole affair it is that Senator Syvret is very honest; brutally honest at times. I do not believe many members doubt his sincerity in bringing the matters that he has to the fore. So I am entirely in agreement with Members who are saying it is not just about the conduct of the Minister. The Chief Minister in his summing up said it is a straightforward decision. Is his behaviour acceptable in a Minister? Of course it is not. None of us would say that the behaviour that has been listed today is acceptable under ordinary circumstances. But these are not ordinary circumstances it has been made abundantly clear. We will not know what those circumstances are until these reviews have been carried out. That is why I believe it is premature of the Chief Minister to call for the dismissal of the Minister of Health and I will not be supporting it.

6.5.17 Senator J.L. Perchard:

First, may I congratulate the Connétable of St. Helier on his speech just a moment ago? I think it is one of the bravest and best speeches I have heard him make in the States and he has made quite a few. About 20 months ago, Sir, the Chief Minister chose Senator Syvret as his Minister for Health and Social Services. The Assembly here unanimously supported the Chief Minister's choice. Since then the Senator in my opinion has worked tirelessly for the betterment of the service that he promotes. He has represented Health and Social Services and the hardworking staff within it with a passion that sometimes overflows into a blinkered selfishness. I have not always agreed with the Minister. Private hospitals are an example; I think there is an opportunity there. But the Minister has a passion for the job he has been charged to undertake. That I know members will not deny. I know, Sir, that the Senator was probably blessed with the qualities of a hypodermic needle in that he can get under your skin so easily. There is no doubt he has, as I have just said, got under my skin and he certainly has got under the skin of his colleagues on the Council of Ministers. It is true, Sir, his behaviour of late is not that what is expected of a Minister. It is true that he has behaved like a bull in a china shop. Some of the correspondence he has undertaken, particularly on email, is unacceptable. But hang on. Let us not be too precious here. The Minister has raised issues of huge importance. I cannot support his removal for doing that. His tactics, yes, and his methods, maybe, but not for raising these massive issues. The issues raised by the Senator are just so important, Sir. The issues he promotes are so massively significant. There is as the Connétable of St. Peter said to be a review; perhaps a comprehensive review of childcare provision. Perhaps it is premature to be sacking the Minister, dismissing the Minister. What if the review finds that the Minister has uncovered serious deficiencies within the child protection and child services sector? What happens then? No, I am not prepared to condemn the Minister at this stage. No, I am not happy with his behaviour of late but I do not consider it significantly grave as to support the proposal to dismiss him. He is a passionate politician who passionately cares about the service he is promoting. Okay, his tactics as I say have been to some unacceptable. To me disappointing but not sufficiently bad that we should seek his dismissal. I am afraid on this occasion I will not be supporting my good friend the Chief Minister.

6.5.18 Senator B.E. Shenton:

I am often accused of being a populist politician. **[Approbation]** There you go. I even got a round of applause for that. But I think what a lot of you do not realise is I work in the finance industry. Most of my friends also work in the finance industry. Perhaps Senator Syvret is not the most popular politician among my colleagues. But I was elected as an independent with independent views. This is a very emotive subject. I have some experience of Children's Services because my wife and I fostered for a period of time. It is quite upsetting when you take in children that do not know how to use a knife and fork, where their mother is always drunk or they have been subject to

appalling abuse and there is no-one there just to tell them they have been loved. The impression we got from the Children's Service was very much that they were fire fighting, that they were under funded, that there were people there with their heart in the right place but they were under resourced. I have been a politician for two years now almost. Did I look into this issue knowing that this was going on? I did not. Was this a priority of the Council of Ministers? It was not. If our Children's Service is failing in any way – and I am not saying it is; make that quite clear – it is not just Senator Syvret who is on trial or the Council of Ministers. It is all of us in this Assembly that must take responsibility for these issues. I like Stuart. I get on quite well with him. We have different political views. Sorry, Senator Syvret. I am too familiar with him. We have open and frank discussions. I told him to his face that I did not agree with his letter on the Richard Brocken issue. You cannot describe him as being an Iain Duncan Smith character. He certainly is not a grey man. He believes passionately in everything that he comes up against and long may he do so. Perhaps he does overstep the mark but maybe this is just because he has to, to get his point across. He is, after all, a seasoned politician. Those that take him on in a political way, especially those that are not politicians, do so at their peril and I have little sympathy for them. The Health Department has flourished under his leadership. There are question marks whether the recent events will sully his long-term relationships with some Social Services staff and whether it is workable going forward. After all, you cannot simply decide that people are guilty of anything without going through the proper processes. In some respects I think that is where the Assistant Minister comes in because the Assistant Minister can build bridges and can act as that barrier. Do I think that Senator Syvret would serve the Island better being on the backbenches and not constrained by collective responsibility? Maybe he would, but this is not the right time for him to make that move. I do not support Senator Syvret's language but I do support his stance. I do not support his management style but I do understand what he is trying to achieve. I have every sympathy with the innocent staff that may have been offended by his actions. Do I think that it is in the Council of Minister's interests for Senator Syvret to remain a member? Probably not. Do I think it is the right time to initiate an inquiry? It definitely is. Am I willing to act as Assistant Minister? Most definitely, albeit as an Assistant Minister with a defined role and defined responsibilities. The role of the Assistant Minister has never been properly defined in this House and it is only one or two departments that use their Assistant Ministers correctly. It has been agreed that if I am Assistant Minister, I will be Assistant Minister with special responsibility for Social Services. This alleviates any discourse that there may be between people that may have been offended by the Senator's actions. This matter has been cast in to the limelight for the right reasons. It is a pity that some have decided to use it as a political football.

6.5.19 Deputy J. Gallichan of St. Mary:

This issue is deeply disturbing whichever level you take it on. The simple issue, we are told, is just that Senator Syvret has persistently behaved in a manner not becoming of a Minister. The more difficult level concerns child welfare and protection. This must, and now will, be dealt with thoroughly in the terms of the independent review. Therefore, at least there will be one positive outcome from this sorry business. It has been said that we must consider this issue today, perhaps to see whether it was responsible for driving the Minister to such levels of frustration that he was unable to control himself in his dealings with staff. Then again we have to ask ourselves whether even in those circumstances it is right to accept the bullying behaviour, the "fear me" approach. Deputy Martin said that these issues seem to have snowballed after she asked her question. My question is if this matter could apparently be unwrapped so quickly why did it take so long for the Minister to open it up? I cannot believe that a man of his political experience could not have achieved this in a more appropriate and civil and less offensive manner. In short, without losing my respect. If he had tried to resolve these concerns before then obviously he failed. Why then should we believe that now he is the one who could see an inquiry through to the stage where any recommendations would be successfully implemented? I would like to ask the Minister a direct question. Many times in recent months, both before and since this particular matter blew up,

Senator Syvret has said publicly and privately that he is disillusioned. In fact the Senator is aware that this is a particular concern of mine and he should be because I told him, as I had always looked to him as someone fulfilling a really essential role in the States' Assembly. If you like, the bolshie element. Of course it is probably true that this role is not really compatible with that of a Minister. On more than one occasion he has said that he is disillusioned. To be a States' member is an onerous responsibility. To be a Minister takes that to a whole new level. Could the Minister, therefore, tell me why today I should support someone who in some many instances has effectively said: "I cannot be bothered"?

6.5.20 Senator P.F. Routier:

Today is obviously a very sad, sad day because we are dealing with such an emotive issue. I really did not want to take part in this debate because I think as Members would know that the Council of Ministers have listened to and experienced the comments which the Senator has made to the public, to staff. I am not precious about people talking to Ministers in any particular way they like. I do not mind that at all. But there is a code of conduct which does exist which every States' member has signed up to their code. The Ministers do have their specific code as well which we all sign up to and are expected to keep to. I will obviously try and keep my comments specifically to the debate at hand which is about the conduct of Senator Syvret, and try and avoid things which I know because of the area of concern – the specific child protection matters – people do want to talk about those things because it is vitally important that we get it right. We must do that. I mean, Senator Syvret is very aware that there have been times that I have spoken to him about his department at Social Services and I have raised issues about Social Services matters. But I would particularly like to make it very, very clear that it was nothing to do with child protection matters. It has been to do with other matters. Members will be aware that I hold two voluntary charitable positions; that of President of Jersey Mencap and another as the Chairman of Les Amis. Both of these organisations provide services for people with learning disabilities. In those functions we campaign for services to be provided. In the normal course of that work I would meet regularly with Social Services professionals to discuss the general policy matters and sometimes specific needs of individuals with learning disabilities, and their families. Invariably I will get to a stage where improvements to services need to be made. It might require that staff do things in a different way. What we need to do is to ensure that the staff who are made aware of particular issues, meeting the challenging needs of vulnerable people, that they recognise it is the people, the children, come first. It is not the organisation. It is not their job. It is the service that they provide to the people they are caring for. Sometimes that is obviously a challenge for the staff. There needs to be some negotiating going on with the staff and sometimes it is easier than other times. But as I say I have expressed occasional dissatisfaction when I have been frustrated in achieving certain goals for people with learning disabilities. But in saying that, always when I have discussed things with members of the team from Social Services, the management and people at the coalface, we usually get to a position where the problem is resolved in an amicable way. We do find that we are able to make progress and improve people's lives. But even though I have in my time had comments to make about Social Services, I want to make it quite clear that I disassociate myself with my informal comments with the very public and outrageous public comments the Senator has made about his own Social Services staff. They work in an extremely challenging and difficult area of work, dealing with very personal issues in people's lives. They need all the support that we can give them. When the Senator made his initial public comments about what was in his opinion the failing child protection service, we all know the language that he used about the staff and about the teams, the whole service. Of course I am sure all members - some were shocked by it. Some recognised that perhaps it might have been better to say things in other ways but it, to my mind, was just not an appropriate way to achieve some improvement in service. As I say I was shocked at some of the language. What came as an unexpected shock a few days later when the Council of Ministers discussed the matter I have to say at the earliest opportunity – we put it on to our agenda at the next available opportunity – to me it became clear that the Senator unfortunately was playing political games. He was more interested in

looking at what had happened in the past. All really for my mind that I was interested in, to ensure that the people who are in the service today and who are going to be in there tomorrow are the ones who are going to get a good service. I know that the Senator would feel that perhaps it is appropriate to look at all the services in the past to help to prove the point that he feels that the service is not operating appropriately now. But when asked the specific question about is there anybody at risk now, the answer is no. That is from the Senator himself. I was amazed because at one stage he was saying that the service is failing, people are at risk. Then when we suggested that there should be an immediate review: "There is no need for that because everything is all right". I just could not... that was the stage where I really felt I had lost confidence in the Senator because he was changing from one view to another to suit the needs of trying to get to a position of having a committee of inquiry and was less interested in ensuring that the people who are in the service today are receiving an appropriate service. The Senator talks about the failing service and the missed opportunities by the staff to improve things. "Missed opportunities, after missed opportunities, after missed opportunities", is what he said. I would say that, if that is the case, the Minister has missed opportunities. He has missed opportunities on an annual basis when he discusses the policies of the Social Services Department, their budget. It is the duty of a Minister to review what goes on within a department and if he was unable to do that, on an annual basis at least, I am afraid he has not been doing his job properly. He mentions about when the Chief Officer first came to the Island, on his second visit he gave him a copy of the *Sharp Report*. What I have not heard is how did the Senator follow that up? He might have given him a copy of the report but was there further discussion and follow up, what is happening, why is this not happening, what is going on? Why has that not happened? What progress has there been made to improve the service? As I say, it was really at that Council of Ministers' meeting it really dawned on me good and proper that I had lost confidence in the Senator's ability to make the right decisions for childcare. Then, obviously things have developed even further in recent communications, which have been outrageous as members will have seen. The accusation the Senator made that Ministers, and I took absolutely offence to it, were blocking his attempts to improve childcare. We were the ones who were blocking it and we were the first - we had it on our agenda at that next meeting. We have not waited all these years that the Senator has been in charge of it. We said we wanted the reviews, we put the reviews in place and the Senator is saying that it was not needed because everything was all right. I am sorry we are in this position today, I really am, because there is no need for it. I regret the distress which has been given to children, families and all the social services staff because they are not, as has been given the impression, totally failing. There are people who are doing a very, very good job. The review, as somebody has identified, I think it was the Connétable of St. Peter that said, what if the review says that the Senator was right? I expect the review to come out with recommendations that things need to improve. That is what I expect and the Senator will say: "I told you so." Fair enough: "I told you so", but what did you do about it before? What did the Senator do about it before? Why has it gone on for so long? I am sure members will recognise that the staff must be demoralised, those who are in the front line and are providing services. We need to support them and I think the best way we can ensure that they are supported and that the vulnerable children they are caring for will get an appropriate service is to move things forward. I do not believe that we will get to a situation [Interruption] Sir, I think that was the time for me to stop probably, [Laughter] that might have been the bell for me to stop speaking. Certainly, as I say, the service we know is going to have some reviews, which should be welcomed. There will be recommendations which come from those reviews, which will need to be acted upon. Any review, done at any time of any particular service, will make recommendations that there needs to be some improvement. That is their job to do that and I would only have hoped the Minister for Health and Social Services had identified this far, far earlier and I think he has been derelict in the duty of not achieving that an earlier stage. As I say, I regret this debate. I am sorry but I no longer have confidence in the Senator to continue to be the Minister for Health.

6.5.21 Connétable K.P. Vibert of St. Ouen:

Like the previous speaker, I would have given anything not to be here today. In fact, as I drove through France yesterday looking at the kilometres getting shorter and shorter, getting to St. Malo, I rather hoped that the ferry service might have lost their ramp licence and I could still be there today. But I think, if I were to quote the Chief Minister, we are where we are, and I am where I am. I think that the problem with today's debate is that there are two issues to the debate. Yes, they are interlinked, but they are two separate issues. The first is the failure, if any, of our child care services. I do not think anybody in this House would argue that the Minister's call for review and the Council of Ministers' immediate response to that by proposing the review, is essential. It may well be that we find there are a lot of things wrong and this review hopefully will do that. But I think the other issue about this proposition is the way the Minister has gone about his actions. Whether his actions are appropriate. I think it was Deputy Southern who asked: "Can overreaction be justified?" I do not believe that, in a Minister, overreaction can be justified. I think that the role of the Minister gives you responsibility for your actions. I feel that the Minister's actions have gone beyond what is required of a Minister. Forty years ago, in 1996, I was first elected to public office, 1997, sorry, my maths is not that good. I was given advice at the time, advice which I have kept and which I have passed on to people who have been elected to posts in the Parish, certainly in the last 14 years since I have been Connétable. That advice was that politeness costs nothing. Confrontation can often be expensive. It is very good advice and I have to say that I have lived my life trying to avoid confrontation. Now I accept that other people, and certainly the Minister for Health is one of them, probably enjoy confrontation, but I do not believe, Sir, that confrontation achieves a great deal. I think that Senator Southern also said that we - oh, Deputy Southern, sorry, Sir. **[Laughter]** Deputy Southern also said that maybe this is the time to build bridges. I do not believe, Sir, that the actions of the Minister for Health, over the last couple of months, have left any bridges to rebuild. I think, Sir, that the way he has approached this, he has burnt his bridges as he went across them. I am sorry for that because I think that if we had been debating the proposition of confidence in his ability as a Minister, then we probably would have all been quite happy that he has done an excellent job as Minister. But, this proposition today, in my opinion, focuses on the actions of that Minister and whether the actions of that Minister are conducive with being a member of the Council. Before the rest of the Council Members asked for the Senator to resign, the Senator himself had said, and I would quote, Sir: "I will just have to regard the Council of Ministers as another obstacle and distraction against which I have to fight in order to protect children." Well, Sir, I think that that is the burning of a bridge, probably a bridge too far.

6.5.22 Deputy G.C.L. Baudains:

I think, like most other Members in this Assembly, I have thought long and very hard about this matter. It is a very difficult situation we find ourselves in. Members will probably recall that not terribly long ago I took a dim view of Senator Syvret's actions with regard to correspondence with a certain property developer. I believe, when we look at the correspondence and the emails in the situation before us today, that he has probably acted in a similar manner. So Members may well take the view that I would be expected to maintain my stance. As I said, I have thought long and very hard about this and I have come to the conclusion that there may well be merit in his actions, which I will explain. Firstly, I would say that we were told this morning, by the proposer of the proposition, that it is not about child protection. That in fact, as the Connétable just said, the two are inextricably linked, in my view - the child protection issues and the actions of the Minister. How does a Minister, or any other member for that matter, address issues as important as this? We ask questions. We debate propositions. I found it hard enough, Sir, under a committee system of government, to address inefficiency, poor performance and so forth. Under ministerial government I find it even more difficult, in fact, all but impossible. We used, in certain areas, to find that you could not make progress trying to understand what was going on, because certain areas of the civil servant service closed ranks, supported each other. Understandable, one might say. But now I find that Ministers tend to do the same and, if what the proposer told us this morning is in fact accurate, I have no doubt, the Council of Ministers seems to be quite happy to endorse the performance,

whether it is good or bad. Performance, I have to say, Sir, in some cases, that in the private sector would properly be met by dismissal. Instead, what do we do? In the case of one person that has been mentioned in this debate, we create a post in another department to put the person into. I do not think that is satisfactory. There is an air of protectionism about ministerial government that I find frustrating. Sir, what I am driving at is that measures previously employed to address failure appear to no longer work and in such circumstances I believe it does seem that by raising the temperature until others react is becoming possibly the only way to address and change an unsatisfactory situation without it simply being looked at and then quietly being covered up again. In fact, Sir, in this case, I get the feeling that the Council or the Chief Minister with the Council's approval, are bringing this proposition against Senator Syvret rather to make sure that things are not looked at in depth. We are told an inquiry will bring out all the facts. I have heard this before and I, for one, am not expecting a great deal to come out of that, after all the evidence will be collected from people who will, presumably, not wish to say a great deal for fear of incriminating themselves. I cannot really see how anybody is going to get to the bottom of the matter who is not already involved and has some experience of it. The Chief Minister also told us this morning that by challenging child protection, Senator Syvret has exposed children to more harm, not less. I have to admit, Sir, I do find that quite a ridiculous statement. I do not know about other Members, but I am aware, for example, that bullying exists in certain schools, it has done, it does. But there is an unfortunate attitude that I have come across which seems to suggest that bullying does not exist and because it does not exist then there is no point in us looking at it. That sort of scenario makes it extremely difficult to make any real progress. Issues remain unaddressed because essentially people refuse to look at them. Likewise, Sir, and relevant to today's debate, I am aware of failures within the Child Protection Services. In fact a case came to my attention just a few days ago. In fact, Sir, it is so outrageous it makes me suggest that perhaps we would disband the organisation and start again. It really is outrageous. I now see that the same woolly thinking and lack of care that we read about in the U.K. is, sadly, present here. Maybe it is the Child Protection Service that deserves a vote of no confidence, not the Minister. In such circumstances, Sir, maybe the action that Senator Syvret adopted was perhaps the only way, in our present system, of rooting out the inefficiency and poor performance, because I am not satisfied with the performance of some, and I emphasise the word "some" of our civil service. I was looking through this morning the appendix 14, supplied by Senator Syvret, Sir, and I found some of the words leapt off the page at me, where he says that in too many cases it appears to be a mutually supporting and self-serving service rather than public-serving, Sir. What we are being asked today by the Chief Minister, in supporting his proposition, is that essentially we will not rock the boat. We must have regard to what the international community thinks of us apparently, rather than dealing with obvious failures that exist at home. My allegiance happens to be with the public of Jersey, Sir, and to that end I think that Senator Syvret's actions, while, as others have said, may have been un-Ministerial - if there is such a word - I believe they were probably necessary in order to break the mould of complacency and lack of will among his fellow Ministers who appear less than keen to address some issues, which clearly desperately do need addressing. I have never been one that subscribes to the culture of cover-up and I believe the public are tired of it also, possibly one of the main reasons why apathy is rife at voting time, Sir. This morning we were lead to believe that public employees have been insulted. Well, I think, Sir, if that is in fact the case, and it may well be, it is a jolly good job they do not work in the private sector because I think things there would be a whole lot worse. I am also quite sure that the only ones who feel insulted are those who properly deserve to feel insulted. Those who diligently work and get quietly on with their job will not be troubled by this matter at all. No, Sir, as we have heard today, a few senior officers who are offended because someone has had the temerity to question their competence, maybe it should have been questioned earlier. Sir, if I have no confidence, it is not in the Health and Social Services Minister, it is more probably in our Human Resources Department. What I would conclude by saying, Sir, is, in my view, this is entirely the wrong proposition we are being asked to approve. As we have heard so often today, what it is at the base of this argument is not so much the substance of what Senator Syvret has done but the tone, the

way he has done it. In that case, Sir, I would have thought a censure motion might have been more appropriate.

The Deputy of St. Martin:

It is 5.30 p.m. We are meeting tomorrow, can I propose the adjournment, Sir?

Senator S. Syvret:

I would prefer to finish this issue tonight and I think Senator Walker would too.

The Deputy Bailiff:

Does the Assembly agree then to carry on? Very well.

Senator S. Syvret:

Can we have it to a vote, Sir?

The Deputy Bailiff:

Yes, very well it can be put to the vote. All those -

Senator S. Syvret:

Can I just say a few words? I am not sure that there is a great deal new to be added to the debate, although there may be some members who still wish to speak. I think it is preferable, from a personal point of view, for me and for Senator Walker, that having started this process we really should wrap it up today. I do not think that is asking too much.

The Deputy Bailiff:

It is a matter for Members. We do not want to have a long debate about whether to carry on so all those in favour of carrying on, in other words, as the Chief Minister and Senator want, please show. I think we better have a count so please stay standing. Very well, the Appel is called for. The Greffier will open the voting. The voting is pour if you wish to carry on and contre if you wish to adjourn now. The Greffier will open the voting. Very well, the Greffier will close the voting. The vote is to carry on, 30 pour, 19 votes contre.

POUR: 30

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator T.J. Le Main
Senator B.E. Shenton
Senator F.E. Cohen
Senator J.L. Perchard
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)

CONTRE: 19

Connétable of St. Ouen
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy J.A.N. Le Fondré (L)
Deputy D.W. Mezbourian (L)
Deputy of Trinity
Deputy I.J. Gorst (C)

ABSTAIN: 0

Deputy R.G. Le Hérissier (S) Deputy of St. Mary
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of St. Peter
Deputy G.W.J. de Faye (H)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy A.J.D. Maclean (H)
Deputy K.C. Lewis (S)
Deputy of St. John

The Deputy Bailiff:

Now, does any other member wish to speak on the proposition? Very well, in which case I will call upon Senator Syvret to make a second speech.

6.5.23 Senator S. Syvret:

Thank you, Sir. I will make a few comments on the various speeches that people have made. I will try not to keep members too long. Deputy Scott Warren said, when she spoke, that I have never initiated any inquiries with officers. That is not the case, as I have already explained and, indeed, as some of the evidence in my set of papers today presents. I have raised these issues before and indeed I could go on, perhaps at the same time, to deal with a similar point that was made by Deputy Ferguson. I have been trying to get these issues taken forward for a long time and indeed I would refer Deputy Ferguson in particular to appendix 12 of my notes, which is a Health and Social Services Committee minute, at which Deputy Ferguson was present, which I raised concerns about the recommendations of the Bichard Inquiry into the Soham murders and how I have been re-reading documents like the *Sharp Report* and I was attempting - without success it has to be said - to get more relevant information out of the Attorney General. So it is there in the minutes. Again, this is 5th August 2005. It simply is not accurate to say, and I could quote many other examples too, it simply is not accurate to say that I did not raise these issues previously. I have been trying to get these issues taken forward for a long time. I would also point out that some of what Deputy Scott Warren said in respect of why I have come to my judgments is simply wrong. Deputy Scott Warren and others have suggested that I have merely relied on the word of one or two disaffected whistleblowers. Again, that is completely wrong and it is quite disturbing that people can still make that assertion when we have the evidence in front of us now. If you simply look at the Greenfields' Grand Prix document, it says on the first page, on the first page: "You will have been placed in a bedroom, depending on your behaviour and attitude to the staff, where you will spend 24 hours."

Deputy C.J. Scott Warren:

I was referring to the evidence... the Greenfields' Grand Prix is not now in operation. I was talking about this current information that we have.

Senator S. Syvret:

That is a fascinating point, Sir, which I will address as well, which why I think the Deputy has failed to really grasp the nature of the issues. Again, one turns to the last page of the Grand Prix document, one that is described as "The Pits", it is about the kind of punishment regime for any difficult children is 24 hours in a cell, only on day two or three will you be educated, you will not receive education on day one, that is your 24 hours in the cell. It goes on to say pens and pencils are not allowed in the cells and during the day "your bedding and mattress will be taken out of the cell." Now, as far as the Greenfields situation is concerned, the evidence is there in black and white in their own documentation. This was an institutionalised, abusive regime, wholly incompatible

with conventions and indeed our local law in respect of child welfare. The evidence is there. It is in the policy document of the Greenfields institution itself and it was that that caused me to get angry about the Greenfields situation. It also needs to be borne in mind, because a number of Members have kind of made this point and they have tried to say that because I said at the Council of Ministers that I was not aware of any children in immediate danger of harm, abuse or neglect, they have tried to say that that was a contradictory position to the view I was taking and indeed had taken in this Assembly when I said that we should have an independent inquiry. It is true that the Grand Prix system was stopped in October last year. That is absolutely correct. That is why, when you read some of the material that has been produced in support of it, one has to say material produced by officers, that it is such sophistry. For example, the conclusion of one of the reports: "From this review and my observations, I would conclude that there is no evidence that the safeguarding of young people and staff in the centre are compromised in any way. There appears to be an excellent level of care with extensive policies and procedures underpinning the high standards set. There is clarity around expectations and this is made explicit to staff." Now, this document, that report, by one of the possibly, at least partly culpable individuals, has been repeatedly cited as evidence to dismiss the concerns I have raised in connection with Greenfields, but it is entirely irrelevant. This report was carried out in January 2007 and the question I am asking is that why, from October last year back 4 and half years, for a period of 4 and a half years until last October, was this institutionalised abuse used against already messed up, troubled children? That is the question I am asking. The fact that it is in the past does not mean you can just brush it aside and forget about. The fact that it was able to go on unchallenged by our system for 4 and a half years, that fact of itself has to be very, very alarming in terms of the quality and standards of the system. The Connétable of St. Brelade mentioned the opinion of Chris Callender and talked about the questions he raised in his commentary about how he would need to be satisfied about checks and balances and so on and so forth. Absolutely, that is right, but one of the problems is clearly the checks and balances were not existing. I mean, for an initial opinion Mr Callender's document, a four-page document, is pretty unequivocal. He says: "Were this regime operating in the United Kingdom, it would give cause of a breach of human rights action." Senator Walker is saying is saying: "No", but I am afraid that is what Chris Callender said on the information provided, and the information provided is the policy document of the Greenfields Centre itself. Its Grand Prix policy document. That is the evidence and it is interesting people are saying: "Well, you know, there is more to it than that, there is different evidence, other things which should be looked at" but it is very interesting, and I would ask people to note, that nobody, at least as far as I have heard so far in the debate, the whole discussion in recent weeks, has attempted to say that the Grand Prix policies were not used. Nobody has denied that this policy was used against kids. Now, people have tried to make airy mitigations for the policy, but nobody has said that this policy was not used. Just briefly to refer to Chris Callender and his comments, he said: "However, I am concerned by the punitive nature of this regime and would highlight areas of further investigation. One, a regime like this is unlikely to be lawful in England and Wales" and he goes on and says: "The regime must affront international treaties such as the UN (United Nations) Convention on the Rights of the Child and the Beijing Rules, which are read into the ECHR, especially Article 8." To put in an initial opinion, that is a pretty clear statement of affairs. I do not think one can credibly brush that aside and say it is merely an unaligned, totally middle-of-the-road kind of sway that way kind of opinion, by the standards of legal advice, and especially in initial opinion, that is pretty strong and pretty clear. How could it be otherwise? Anyone familiar with the requirements of the European Convention of Human Rights would just have to see automatically that using this kind of regime against children cannot be lawful. The Connétable of St. Brelade also mentioned that I have perhaps hurt the feelings of staff. I forget the exact phrase he used, it might have been "emotional stress" caused to some of the staff. I will talk a little more about the staff shortly, but a number of people have made similar observations as that to me in recent weeks and said: "Oh, you should not have been so hard on your senior managerial staff who have been running these systems. It is very difficult for them to cope with it and deal with it and so on." Well, yes, that may well be true. It has not exactly been

a barrel of laughs for me either, I would have to point out, but I ask myself what am I supposed to get more upset about? Causing a bit of emotional distress and tension to staff, or the fact the child protection system failed to prevent a young child victim from undergoing 18 months of horrific abuse at the hands of two paedophiles? Which one of those sides to the equation do you think my sympathies and my feelings should lie? I would also point out, and indeed it is in my documentation that I emailed the Bailiff about my concerns very early this year, about the total inadequacy of the sentencing that is used in at least one case and probably quite a number, if the truth be told, a wretched old paedophile who had essentially attempted to rape three young girls was given two years' probation. It is just unreal. There can be no credible response to that kind of offence than a custodial sentence. For public safety as least because when paedophiles are imprisoned for comparatively short sentences and there are going to be out in the community, it is recognised that they need treatment, therapy, whatever, to reduce their risk of danger to society and if they are not in a custodial environment they cannot get that to the same effect. It is clear that I had in fact been raising these issues for a long time and trying to get them taken forward. Deputy Mezbourian said, she asked herself a question, would she respect a member of the public who used these words, and she said: "No." The words in question being the words in my emails. I have to say I think she is probably out of touch with the general public. Perhaps not in the leafy luxury of St. Lawrence, but the ordinary people on the ordinary streets of Jersey, if the many, perhaps a couple of hundred messages I have had now in the last two months over this issue, are anything to go by, people understand precisely why I used the language that I did and got a little bit less than pleased with the system.

Deputy D.W. Mezbourian:

If I may just make a clarification to the Senator? I was referring not to the public and whether they accept the Senator's standards, but I would not accept them from a member of the public.

Senator S. Syvret:

Indeed, Sir, that is what I understood the Deputy say and I still think she is wrong. In my experience, the ordinary member of the public, perhaps not in a political environment, but the ordinary member of the public do tend to speak their minds, speak straight in perhaps a rather more pithy and frank manner than we are used among the glorious ranks of politicians. Senator Vibert suggested to me, he said he would take political responsibility when the various inquiries were concluded. I am glad to hear it. He then went on to say that I should take political responsibility for failings in my department and not attack the officers. That would be true had the officers performed adequately. Had, for example, the relevant handful of senior managers come to me and said: "Here is a report. We are really worried about this. Frankly, many aspects of our service are in a state of crisis. We are carrying massive vacancies, we cannot recruit to the posts. We do not have enough money to recruit enough people. We cannot retain experts. The buildings that we use for homing children are appalling. The regime we have been having to use or whatever at Greenfields is, we have to tell you frankly, we think it is unlawful and it is not good for these kids." These people are, after all, the experts, paid very, very substantial amounts of money, a lot more money than I get paid, for their supposed expertise. They are supposed to be specialists in these fields. Therefore, you expect them to do their job and come to me or, in other departments, where relevant, their Ministers, or their committees, as they used to be in the old days, and say: "Here is the score. Here is the proof. These are the issues. These are the problems we are wrestling with." Had the officers done that, I certainly would have fought like a lion for any more resources, funding, development or whatever, social services and the children's service would need and, no doubt does need I think in the wake of all this particular saga, but the irony is, I would have fought that fight. But at no stage have any of the senior management team come to me and put that kind of report to me. I have

never been told this kind of information that I just described, so I do think, not only in this particular debate, but this is a point I would make more generally about my whole experience of public administration in Jersey, is that it is not in the public interest frankly to expect lay people, as most of us are, in our respective political jobs, to second guess and take over and try and do the jobs of the professionals we employ. Too often over the years gone by, in other departments I am talking about now, if the case is that committees, politicians - and good politicians and committees - back in those days, those years I can remember, got the bullet because of incompetent officers in their department basically and that then saw a bit of catharsis because you got rid of the politician, you know, you had somebody to lynch, but meanwhile the officers who had failed still sat there, carrying on doing exactly the same old job as they used to do before for £100,000 a year plus pension, or whatever it might be in each particular case. Is that the public interest position? I do not think it is. I think we have got to be much more accurate and fair about where responsibility lies. I carry political responsibility. I am dependent on an immensely complex, highly specialist department of about 2,500 people, it does a whole range of very demanding, varied work. I have to be, any Minister has to be reliant on your experts, your officers, the people who are paid vast amounts of tax payers money each year to tell you the facts. To give you an honest and full and frank appraisal of what the situation is and that, I am afraid, has not happened in this case. If I had been given such advice, such recommendations about this or that part of the service and had then chosen to ignore it, or failed to act upon it, then absolutely the blame would be mine, 100 per cent. But the professionals have got to play their part too in these equations. Senator Vibert wondered why I was supporting any inquiry if my mind was made up. My mind is made up on the basis of the evidence about certain aspects of what has gone on, but there has to be, I feel, a detailed, independent inquiry, as indeed we have now underway in many respects. I would remind Members that it was in fact, originally, my idea that there should be such as independent inquiry. I had been thinking about around about that time because of the SCR case, because of the Greenfields material, I had been thinking about it and I had that in my mind, especially the Greenfields material, when I answered Deputy Martin's question. I said on that occasion: "I am going to commission an independent inquiry into all this." Why I got a bit cross and disagreed somewhat with my Council of Ministers colleagues was that suddenly they were bursting in the door to kind of take my idea out of my hands, take it over and take it and run with it themselves, which I did not think was especially helpful under the circumstances. Senator Vibert quoted - it is interesting because I have read the same material myself I think - some documentation about not frightening staff to admit mistakes. I think the phrase was "moving from blame to learning". Yes, that is absolutely correct but unfortunately that methodology, where it has been adopted in many different spheres of activity, does, I am afraid, and has, on some occasions, lead to complacency and failing. Because, no matter what defects, deficiencies or disastrous errors may occur in specific cases, everyone can shrug their shoulders, get around the table and say: "Oh yes, very sad, things should not have gone wrong like that. We are going to have to do something about this but, hey, let us all have this like real cosy, feely, blame-free learning experience." Certainly a learning experience and getting people to be willing to admit their mistakes is important but, again, there is a balance to be struck and the kind of errors that I have been seeing, especially recently, I do not think it is asking too much to require staff to be accountable for the money... for the job that they are being paid to do. I have written quite a lot of notes here. I will try and just skip over a lot of it and go through because most of it has probably been said already, but there are just a few points that I must quote to. Senator Vibert referred to the paediatrician's remarks but, again, I would remind people that these comments were about the specific Serious Case Review and the response and the performance of the Child Protection Agency from the moment of disclosure. It is important to remember that, from the moment of disclosure. From the moment that the abuse was first detected. At that point, yes, they all appear to have leapt into action as well as could have been expected under the circumstances, but that is not really the question I am asking. I am asking, how was it possible for these services to fail for so long and so disastrously? For several years in the case of this particular victim. Senator Vibert also referred to the Victoria College abuse issue and said:

“Well, this is in the past. That was detected and a person was prosecuted and convicted for it.” Yes, it was detected eventually. I invite Members to read the *Sharp Report*, which is appended to my documents, and you will see that the initial complaints of abuse were being made at that school in 1992 and it took years for any meaningful action to be taken. It is there in the report. I do not want to dwell on it, it is an upsetting issue, but it is there in the report. The reason I cite it as well, not only did Senator Walker choose to use the particular email of mine in his document, which I think I had to justify and explain my words again, and I think, quite rightly, I stick by those words absolutely in that particular case. The fact is, what has concerned me is the realisation that no matter how much softly-softy approach you adopt, no matter how co-operatively you try and work with these systems, there appears to be simply no cracking it and getting the problems addressed and getting the systems working effectively. We had the *Kathie Bull Report*. How much more apocalyptically bad do things have to get? I gave it to the media and I am sorry but, again, I do not care if upsets staff. I think people are paid by the taxpayer and they are expected to do a good job in return for that. Notwithstanding a certain leap forward at that point, with the formation of the Children’s Executive and so on, the system was given a real wake-up call, I am afraid still we have fallen back into the old complacent habits and ways. Internal self-regulation, for example. There is a report cited in this documentation, I quoted a little bit earlier from it, a report written by an employee of Social Services who went to carry out the supposed inquiry into the Greenfields system, but this is a person who works closely with the people running that department and a person to whom it could be said: “Well, in your position, as a senior professional, why were you allowing all this to go on for four and a half years? Why was this only stopped in October last year?” That kind of culture of mutual support, I am afraid is the problem and it has to be overcome. Deputy Martin and Deputy Southern and the Connétable of St. Helier focused, I think, on what I consider to be one of the core fundamental points in all this, which was that this developed, this exploded into a big public political battle with the issuing of the letter from the Jersey Child Protection Committee. People say of me: “Well, you know, you have not consulted enough, you should have spoken to people first and so on” but, as I have already explained, I did. How does it go from me writing a letter, I think justifiably - a very concerned email, sorry, writing an email about that particular child abuse case, going from that straight to a letter to the Chief Minister demanding my dismissal? Not asking me to resign. A letter straight to the Chief Minister demanding my dismissal, which I, myself, did not even get to see a copy of until the morning of the Council of Ministers meeting when it was distributed at the meeting. How can that be regarded as anything other than an immensely defensive closing of the ranks and an attempt to protect that body from deficiencies, and I do not criticise the Chair of it particularly because she is a non-specialist, a non-expert. What really concerns me are the supposed experts, very highly paid experts, who participate in that, for example, the one who wrote the letter, drafted the letter as is demonstrated in the evidence, demanding my sacking. As I said earlier, it was clear to me at that Council of Ministers’ meeting when I looked at that letter I knew within 10 seconds who had written it. It was crystal clear. I knew why they had written it and I knew what the outcome would be, which is that we would be here today with a vote of no confidence. It is an important constitutional issue that people ought to be aware of. Basically, you are looking at a situation whereby some small group of civil servants have engineered the dismissal of a Minister because he was criticising their performance. You have to ask yourself, in what other spheres could the same practice happen? Is this a whole new league of Civil Service non-accountability? Where is it all going to end when the civil servants can just decide, well, we do not like what he said, we do not like what she said, we are just going to give them the bullet. Cause such a big controversy that they will be toast, basically. I do not believe that accepting kind of culture is in the public interest. Moving on to Senator Routier, as I have already touched upon, he has completely misrepresented my comments at the Council of Ministers’ meetings, I did think that there was a need for an inquiry. Of course I am going to say: “No, I am not aware of any child at risk, in danger right at this precise moment”, because manifestly if I was, I would not be sat at the table at the Council of Ministers’ meeting, I would be on the phone to the police or my Chief Officer or somebody. It is not the issue. The issue

was not an immediate threat to a child, the issue was four and a half years of a manifestly unlawful and harmful solitary confinement regime. Okay, it stopped last October but how the hell was it able to happen? That is the question. I would also point out that the inquiry, the idea of having an independent inquiry was my idea. I wanted to do this. This was my decision to take this forward. So again it is quite wrong to suggest that I did not support the inquiry or I did not like the fact that an inquiry was being suggested. That is simply completely wrong. I am reasonably confident that the inquiry is underway, will be underway. We have the inquiry by Mr. Williamson underway at the moment, I met him last week, had a good conversation with him, gave him some material, told him some of the issues. He seems like a good professional. So I am confident that his work will be very, very useful and important in improving the system. I am also though, and I think he would be the first to admit it, I am also pleased how the penal reform have agreed to come in and undertake their own specialist analysis of criminality issues concerning children, child custody. That can only add to the quality of our understanding of the situations. I am also greatly reassured that I was able to secure the services of Professor June Thoburn, CBE to chair the Jersey Child Protection Committee. She is a person who will be an excellent Chair of the JCPC and is certainly one of the most eminent respected professionals in the field anywhere up and down the country. Just to try and close up, I think. Deputy Lewis asked me if I would apologise to the staff. Yes, I will apologise to any staff who misinterpreted what I said or who have had what I said deliberately misrepresented to them. I know this has happened because a variety of particular managers, under the kosh, I suppose, to speak, have been writing round robin letters to staff in the department trying to foster and encourage the view that what I was saying was an attack on them, on the workers at the coalface. "Is it not dreadful, do not worry, we are standing absolutely behind you, we trust you and we feel your pain" kind of thing. I know this because a large number of the people working at the coalface send these letters on to me and it would be unparliamentary to use some of the language that they have used in writing their comments on these letters, but believe me there is no attack on the ordinary staff working in the system. If my remarks were interpreted and have been misrepresented as an attack on the ordinary workforce of the organisation then I apologise for that because that was not what I said, that was not my intention. My concern is, I am afraid, and I am not going to apologise for this, I have had to come cumulatively after years of effort, years of evidence, when this has accumulated, I have finally had to come to the view that there are a handful of pretty senior managers in a number of different departments with an interest in this sphere who simply are failing and have not done their job properly. I am talking about maybe six or seven senior managerial people. Those are the people who I am criticising and I am targeting. Those and only those. I have had a tremendous amount of feedback from ordinary people working in the organisation, including people working in this field of child welfare and child protection. People have been saying to me, speaking to me privately, wanting to meet me rather than speak over the phone because they are worried that their phones have been bugged, or they are worried my phone is bugged, so they will not speak to me over the phone. People I have to meet literally in darkened alleys. There is a climate of fear among the ordinary workers at the coalface who are saying things like: "I am worried for my professional integrity. I am worried for my registration because we are being asked to do things that are just hopelessly deficient, unethical, not the kind of thing we should be doing professionally." They are terrified of the senior management because they know that they will get, if they rock the boat, exactly the same kind of response from that senior management that that senior management has given to me. People, a lot of people, have spoken to me in confidence. All kinds of people working in all kinds of areas, including for example, a number of nurses who have told me that they will not work in certain of these areas because it would put their professional registration at risk to do so. People have said to me at the ordinary grass roots of the organisation: "Thank God somebody is speaking out about this, finally somebody has had enough. It is a shambles the way the organisation is managed and run." Ordinary workers at the coalface have come and told me that. More upsetting than those conversations I have had with ordinary workers have been conversations I have had with a number of people that were victims of these various systems. Again, this is looking back historically, I grant you. But I have met two people in recent

weeks who were inmates, residents, I do not know what the phrase is you would quite use, of Haut de la Garenne even in the 1970s. These people are both slightly older than me and they each approached me quite independently with their stories about the maltreatment, abuse, floggings, locking up in rooms, general appalling treatment, not only that they received themselves but witnessed being conducted against others including for example, babies, abandoned orphan babies in their playroom when they were being potty-trained if they messed on the floor being rubbed in the resultant excrement themselves. People had some pretty horrifying experiences in these institutions. You might say: "Well, that is all in the 1970s, it is a long time ago, things like that just do not happen any more." Well, let us hope that that is the case. But ultimately the two people who came and spoke to me both ended up in tears. It was the first time in their lives they had been able to speak to a person in a position of authority about their experiences, what they had gone through. The first time they felt able to open up with an expectation that they would be listened to. That was quite a demanding experience. For me to some extent but more so for them, because it takes a lot of courage to do that. The reason I mention that episode back in those days from the 1970s is because - and I think the same picture emerges in much of the documentation I have put before members today - the picture that emerges is, I am afraid, generally over the decades, certainly the 1970s, and to be honest there is not much reason for assuming it was any better before then, but certainly from what I have looked at and the people I have spoken to back to the 1970s to pretty much the present day, the standards of child welfare and child protection we have had in place in Jersey, the systems we have had have been less than good. There have, before my time, been initiatives over the years to improve things, get it sorted out, make it properly accountable, ensure that the interests of the children are being put at the centre. Over the last couple of decades these kind of efforts have been made and we just do not seem to crack the culture. I think we have to learn, we have to look at that long picture of those decades of frankly often profoundly deficient and disastrous responsibility for the children in need and children in danger and we have to say as a community, finally we have to face up to this and deal with it. If nothing else, I can certainly say that one good thing will come out of this episode, that is that I now think, hopefully, that it is impossible for the issue to be ducked any longer, for the problems to be ignored. I think for the interests of vulnerable and damaged children in Jersey I think this episode will... I honestly do think, I have been doing politics for over 17 years now so I have quite a bit of experience in this, I do think, as the evidence shows, that it takes something like this, a shock to the system to really get the system a kick in the backside and get it moving, get it moving forward and getting it sorted out. So quite regardless of the outcome of the vote today I am pretty confident and pretty content that that great stride forward in better standards of child welfare and protection will happen. I also think, interestingly, that another thing that is going to flow from this episode is again the decades long culture of invulnerability and lack of accountability among the senior civil service. I think that culture too, has been holed below the water line by this episode, and I think a lot of these people, senior people who are always used to rather complacently getting away with any deficiencies, confident that they were not going to be scrutinised and challenged, I think this episode is going to also perhaps galvanise the States, make the States of Jersey finally grasp the higher, very highly paid upper reaches of the public administration in Jersey, all of these highly paid managers and supposed experts and suddenly start saying to them, finally start saying to them: "Sorry, but we want you to perform well in the jobs that you are paid for and we are going to hold you accountable for them." As I said, if nothing else I am confident that there will be a huge improvement in the systems for child welfare and protection in Jersey now. An improvement that has been overdue for decades. I have worked very hard, as the evidence shows, to try and get it introduced without success but this episode I think makes the issues unavoidable and the outcome now, I think, also cannot be avoided by the system. I know that a lot of ordinary people working with these children, these vulnerable children support what I have done. I have letters, emails, telephone messages from those who have felt sufficiently brave to leave such messages. They are confident that this episode is going to really, really improve things. More importantly, it was fascinating to speak to some of the victims of the States' children's care system over the years. Not only those that were in like the

custodial section but generally children's homes over the years and some of the frankly appalling standards of care and treatment they suffered. It is good to know that they felt able to come to me and at last they have been able to express their concerns to me and that their suffering in the past will be addressed and that we will learn from their experiences and we will not make similar things happen again. That is pretty much all I have to say, obviously my fate is in the hands of the Assembly. I would like to carry on in this job and I think it would be bad and against the public interest if I did not do so, because I think ultimately we are here as agents of the public out there, the taxpaying, working community. It is our job to protect and defend their interests. We are not here to be shields and protectors of the very highly paid - some would say too highly paid - too large, too overextended higher reaches of the Jersey Civil Service. It was said to me: "What happens if by some miracle you win this vote? Does this not make things untenable for the Council of Ministers?" They might say so, Senator Vibert is certainly nodding his head, I think his position is untenable already, but there you go **[Laughter]** but I did say this in an interview with Channel Television, I said: "No, I do not think it does because the Council of Ministers, I think, have been unwise, certainly by rushing in to things like the extraordinary meeting I think was a mistake, I really do." I think they made an error of judgment in that instance and a couple of things like that. But, as far as the supposed evidence that they have been given and the way it has been presented to them by the senior management. I think although the Council of Ministers, I am sure, have acted in good faith on the back of that supposed evidence, a lot of the information the Council of Ministers have been given is simply wrong and demonstrably so and clearly so. If by some chance I were to win this vote I personally do not see it as having significant political consequences for the Council of Ministers, but I do, I very much do, see it having some serious consequences for perhaps 5 or 6 senior managers in the system. That, I think, is where the consequences will lie in the event of me winning. Thank you, Sir.

6.5.24 Senator F.H. Walker:

It is very, very late and I will be as brief as I can be but necessarily I cannot be as brief as I would like to be. I do apologise therefore for those speakers whose contributions I will not refer to, please take it from me that is in no way demeaning the importance of their contribution, it is merely an attempt to stick to the very salient points and to come to a conclusion. I think the Senator's speeches have been quite remarkable because they have virtually made no reference to what the report and proposition is about, which is his conduct. They have been all about past failings, one possible current case, and past failings in health protection. Sir, in the course of his speeches he has damned out of hand senior management in his own department and in other departments as well. They have been found guilty before they are proved innocent. That is no way to treat anybody never mind employees who have worked and do work under the Minister himself. He is their boss and yet he has damned them out of hand as complacent, defective and deficient. All this, Sir, we are told in a decade of failure. My question to the Health Minister, and I do not want to ask these questions, this is not where I want to be but I have to, why, oh why, did he not take action before now? Why did he not come when he was Health President, why did he not take action? Why since being Health Minister did he not come to me and say: "Frank, we have got serious concerns." Why - although he may have discussed them with his Chief Officer - why did he not demand an investigation? Why did he not visit Greenfield? Why did he not visit childcare? Why did he not visit children's homes? If his concern was so great why did he show such little interest and no inclination to take action over nearly eight years, eight years out of what he has said has been a decade of under performance? I do not, I simply do not understand why he did not insist that his Chief Officer took action. What he is sadly trying to do now is blame his Chief Officer for not taking action. This is a Chief Officer with whom the Senator has confirmed on many, many, many occasions he has an excellent relationship with and has the greatest respect for. Yet, now: "I raise concerns with my Chief Officer but nothing happened." Whose responsibility ultimately is that in any event? I do not believe that is true and I do not believe in any way it is acceptable or in any way can be regarded as

proper conduct to now seek to pass the buck to his own Chief Officer and perhaps five or six other senior civil servants. I think it is shameful.

Senator S. Syvret:

Sir, could I just say I have not levelled the criticism at my Chief Officer. I do not include him in this.

Senator F.H. Walker:

That is absolutely not what the Senator said earlier. He said: "I raised concerns with my Chief Officer and nothing happened." Quote from the horse's mouth. That is damning him and blaming him for inaction when it was the Minister's responsibility for that action. He cannot, cannot, escape political responsibility for this position. Sir, he said that he has talked to many, many professionals who have left as a result of the poor standards in our child protection services. I can tell the House that over the last four years we have engaged 33 professionals from outside the Island in child protection services. Of those 33, four have left within six months, two of whom were not even in child protection. So to say in effect there is a mass rebellion against our child protection services by our professionals, the professionals we recruit, statistically evidence-wise just does not, again, stack up. He has also said twice that members of staff have said that the performance of child protection puts their registration at risk. I would like to see the evidence supporting that. In any event, it happened on his watch and he has to take responsibility. This is the Minister that Deputy Southern says he has the greatest faith in to continue. Sir, the Senator also said, and he is retracting here, let us be quite clear, he is retracting here a long way when he says now that the blame sits fairly and squarely with six or seven senior civil servants. To my knowledge he has never said that before and certainly is not in the emails that say: "I would sack all the CAMHS staff" all the CAMHS staff, not just the top echelon but the whole caboodle: "I would sack them all." Also, Sir, he repeated today in one of his speeches that the staff would have to go in a year's time. In his view: "On the back of the investigations the staff would have to go in a year's time." Again they are being threatened with dismissal. Again they are being threatened, again they are being bullied. That is just not acceptable. It is just not acceptable. How on earth can a Minister who has that view of his staff stay in the job? How on earth can he function with staff for whom he has such a very, very low regard? We would have to basically start again and rebuild the whole service from scratch, get rid of our staff and start again. That is just impossible. Think about it, please, I urge members, Sir, to think about what is being said. Not what the Minister has very cleverly said in his summing up where he is pulling back and pulling back and pulling back from his criticisms of all the staff, but what he has said in emails and in public comment. The Social Services Department simply cannot function any more under a Minister who holds his staff in such contempt. Sir, he said that the Education Minister and the Home Affairs Minister would have to go in a year's time as well because they have manifestly failed. If they have failed, so has he because he is one of the parental guardians, one of the corporate parents who shares responsibility. He cannot again escape that responsibility. He too, would have to go in a year's time if that was the case. I do not believe it is the case but if the Senator is right then he too would have to go in a year's time in any case. So, Deputy Scott Warren who has been a very loyal, very loyal and supportive assistant minister, I think deserves our attention, she would not have resigned unless she felt she had no alternative whatsoever. She has been strongly supportive of her Minister and I know it has come as a great sadness to her that she had to resign and it is a measure of the strength of her feeling against her Minister's actions and the way he has handled this whole business. So, she, who knows better than most, is very concerned about the low morale this has caused and the effect on our services, and particularly on one or two or more than one or two, many of the professionals who we rely upon to deliver those services. Deputy Mezbourian made - I do not mean this in any derogatory way - a very simple speech but a very powerful speech as well. She said it is all about respect. And it is. It is all about respect. Can the Minister continue to have the respect of Members of this House and his own staff based on the conduct he has displayed over the last few months. The answer, I think,

under any reasonable analysis has, I am afraid, to be no. Senator Vibert referred to the *Kathie Bull Report* and of course it did - Kathie Bull did, with the encouragement of senior officers and the politicians of the day expose practices that could be and were stopped. Could be and were improved. That is exactly what Andrew Williamson will do in the current review that he is undertaking. Just remember in all the condemnation of Greenfields that we have heard, and I am not defending Greenfields - unlike the Senator, I will await all the evidence before I jump to conclusions. I will not find anyone guilty without giving them the chance to put their evidence and their points to us. The Health Minister has made no visits to Greenfields, he has not seen the unit that he is so roundly criticising. He has talked to staff, yes, but mainly a member of staff who was sacked for underperforming. He would far prefer to listen and take the word of that one member of staff than he would any of the other members of staff currently working at Greenfields and certainly any member of the management team.

Senator S. Syvret:

That simply is not true. The vast majority of people I have spoken to are working still within the organisations involved.

Senator F.H. Walker:

The Minister has furnished no evidence of that whatsoever and I have to say that is 100 per cent contrary to the information I have received not just from management but from staff as well. Sir, the Minister has said that the Callender letter, the Howard League letter says that the whole regime was manifestly unlawful. I am not going to comment on whether it was unlawful or not, I just do not know. What I do know is it was historic. It is no reason to say "I am going to sack all members of the CAMHS unit" because of a historic failing. Also Senator Syvret read out comments from Mr. Callender's letter such as: "A regime like this is unlikely to be lawful in England and Wales", but what he did not read out was the preface to that where Mr. Callender said: "However, I am concerned by the punitive nature of this regime and would highlight areas of further investigation." That is what prefaced all the other remarks and he concluded his letter by saying: "Without understanding the checks and balances in place to monitor and scrutinise such a punitive system it is doubtful it would be in compliance with international obligations under Human Rights legislation." Without understanding the checks and balances. So, in other words, I need to know more, not wholesale condemnation, I need to know more. In any case that was in the past, and the Senator himself has said, it no longer applies, it is no longer, in other words, relevant to the staff delivering childcare services today. Sir, Senator Vibert also referred to the answers that the Health Minister gave to his Chief Officer where basically, and I read these out earlier, he said there was no problem. I have not any evidence to put in front of you of the systemic failure that is now being alleged of the complete and total breakdown of professional services that is now being alleged, twice he told his Chief Officer he had no such evidence. How contrary, how inconsistent, how erratic is that. Absolutely, I think, sadly unacceptable. To suggest that Ministers, as the Senator has, have blocked investigation into child protection when we ourselves launched and announced three investigations again defies belief. Sir, I would say as Senator Vibert said, being angry is no excuse for unacceptable conduct. Be angry if you have the evidence, be angry if that is how the evidence moves you, but take appropriate action, do not undertake the sort of behaviour that we have seen in the last couple of months. Sir, Deputy Martin mentioned the Jersey Child Protection letter, and can I say unequivocally it was written by the Chairman, but that is a side issue. She sort of suggested that it had no reason at that point to say that the Senator's actions has increased the risk to children, perhaps she is unaware, I do not know, that the Jersey Child Protection Committee may be chaired by a layperson, or was, but it includes the top professionals from all the child protection departments. They all, with the exception of the police who never go into these issues, they all signed up to the letter and approved of the letter. If they say children are at increased risk, I think

we have got to listen. Or do we just say, no, they are self-interested, they have no voice worth listening to, as other speakers have effectively said, we will ignore them and we will accept everyone else's view, in this case particularly one person's view, and merely ignore the views of all the professionals. Is that really a risk that members feel is appropriate for us to take? In other words we have no faith whatsoever in the views of our professionals. Big step, big decision, big assumption and no evidence whatsoever to support it. Sir, she suggested we should wait and see the outcome of the review. I do not think our children can afford us to wait and see for three or four months. We have to restore confidence now, we have to rebuild now because that is what we are involved in. Yes, we will have to react to the Williamson review, whatever it says, and we will react to the Williamson review whatever it says. But we cannot afford to wait for that length of time before we take the action that the Minister's conduct has now, I am afraid, rendered absolutely essential. The Minister has said he has been approached by many members of staff. At lunch time I was in Broad Street and two people, and to the best of my knowledge I have never ever met in my life before, came up to me and said: "Senator, thank you for what you are doing. We both work in the childcare services department." These were not highly paid managers or senior people, these were relatively junior, normal people working in child protection. They said: "Senator, the damage that has been done to us and our colleagues is great indeed, thank you for what you are doing. Somebody had to do it, thank you." Those, as I said, were two ordinary people who I have never met before who just came right up to me out of the blue totally unsolicited. Sir, Deputy Baudains said he thought there was merit in the Senator's actions. Okay, fair enough, if that is how he feels, that is how he feels. But he went on to make the most unbelievable condemnation of just about everyone who works for the States. They are self-serving. They do not serve the public. They are only interested - they are mutually supportive. For goodness sake, these are our employees. We cannot function - do members here think that we ourselves can deliver education services, healthcare services, social security services, how on earth can we serve the public without a reliable and professional workforce. Yet we damn them, all of them, completely out of hand.

Deputy G.C.L. Baudains:

I do wish the Minister would not misrepresent what I said.

Senator F.H. Walker:

I am not in any way, I wrote down: "mutually supportive, self-serving not public serving", those, as the records will show, Deputy, were exactly your words.

Deputy G.C.L. Baudains:

If I might interject, Sir, I did say some and I emphasised some.

Senator F.H. Walker:

But later, Sir, later the Deputy did indeed but not initially. Who are the some? Who on earth are the some? Anyone who is working for the States will now feel that they may be one of the some. They may be. What a way to motivate people to give the services to the public that we rely upon them for. What a way to do it. **[Approbation]** So again it is a case of finding staff guilty until they are proved innocent. I am sorry, Sir, I got a bit excited and threw my notes away. **[Laughter]** Sir, can I bring this now back to what the debate is about because Senator Syvret has very cleverly tried to confuse the issue and say this is all about child protection. He has brought no evidence to bear to support his conduct. Sadly, some other speakers have fallen into exactly the same trap. But even if it was about childcare, the Senator has effectively raised two issues, plucked specifics, plus a number from the past. There is the 12 year-old boy case where the consultant paediatrician disagrees totally with the Minister on his interpretation of the consultant paediatrician's own report.

He wrote it, I assume he knows what he meant by it, I assume he knows what is in it, and yet he disagrees with the Senator's interpretation of his own report. So no evidence to support the sacking of staff as this case was used indeed to support. Then we have the Grand Prix system to which I have already referred, which is historic. There may have been problems with the Grand Prix system, if so they will be revealed by Williamson but they are, in any case, historic and no reason to suggest that staff currently are underperforming or should be sacked. Not just staff who work at Greenfields but staff who work in child services generally. Yet those two cases and other issues from the past have been used as evidence of complete failure, breakdown, complete lack of proper service, professionalism by our child protection staff generally. Also being presented as evidence of collusion among those staff and justification to sack them. Well, Sir, I am sorry, that evidence just does not stack up and the conduct of the Minister in calling for their dismissal, threatening them and bullying them is, in my view, absolutely unforgiveable. Sir, he has repeated it today. He may have apologised at the end but during his speeches today he again completely undermined the staff who work in Child Protection Services. He ridiculed, effectively, the professionals involved by saying they are colluding, et cetera, et cetera. He did not use the word self-serving, he said they were expensive.

Senator S. Syvret:

On a point of order, the Senator is misrepresenting what I said. I said today, as indeed I have said in fact on numerous other occasions, that my concern was the very narrow small group of senior managers in the field and the staff who are working at the coalface I have no criticism of.

Senator F.H. Walker:

That is quite difficult to understand because the Senator's own email said: "If I had my way I would sack all the staff in CAMHS." Not a few, not the management team, all the staff in CAMHS. That includes paediatricians, it includes consultants, it includes nurses and it includes other workers in this field as well. Sir, I am sorry the remarks today simply do not work in relation to the evidence of his emails and other public statements. All the staff, we are told, are wrong. All of them are complacent; they have all manifestly failed. So what happens, what would happen if the Health Minister kept his job? How on earth could he work with those people and how on earth could they work with him? Answer, it could not happen. It is absolutely impossible. There are no staff, according to his emails, maybe changing tack today, no staff in which he has confidence at all. He has found them guilty until they are proved innocent, which is absolutely contrary to natural justice, the sort of natural justice that the Senator himself has been a champion of over many years. He said today that they would all have to go, all have to go, not six or seven, at that stage, all have to go in a year's time. Wow. Now what a basis for constructive, high delivery of childcare services to start with. Sir, he is asking us why over a period of years, a decade, there has been total failure. He is asking us. He should not be asking us, he should be telling us because it is his responsibility. He should be telling us why and telling us why no action has been taken on his watch up until the last few weeks. Sir, I wish the Senator would not interrupt me, I did not interrupt him on any occasion at all and I would be grateful if he would pay me the same privilege. But what an admission, and I never thought I would say this because I have regarded the Senator as a good Health Minister, as I said this morning, what an actual admission of failure. But, Sir, it is not the issue. The issue remains his conduct and his unacceptable, totally unacceptable behaviour in how he has handled this issue. I would refer Members back to the 7 reasons in the report and proposition why I, and the Council of Ministers, now feel he has to go. Why his bullying and harassment has gone well over the top and why he cannot possibly continue in office. There are 7 clearly stated reasons. I am not going to rehearse them again. It is, despite what the Senator and other Members have said, all about his conduct. All other issues will be covered in a publicly presented, totally independent probing report over which neither I nor other Ministers nor senior civil servants or senior members of staff or any other member of staff will have any influence whatsoever. It will be Mr. Williamson's work and his alone. He would not have accepted the brief under any other basis whatsoever. I go back to

the Deputy of St. Lawrence and her very meaningful comment: “This is all about respect.” It is. I, and my fellow Ministers, sadly have now lost our respect in the Health Minister. Many of his management and staff have lost respect in this Health Minister and with absolute sadness I say, he does have to go, without respect a Minister cannot function. But, Sir, if members think that the Minister’s behaviour is acceptable then of course they will vote against the proposition, and that is their right. But I would just point out to members that all who do are accepting that this standard of conduct is acceptable for a Minister. It cannot be acceptable just for one Minister, it would have to be acceptable in the future for all Ministers if the proposition failed. I would just point that out to Members who may be minded to vote against the proposition. But, Sir, of course if members like me with real, real regret and sadness do feel that the Minister’s conduct is no longer acceptable and that sadly he has to go, he has to leave his position as Health Minister then they should vote in favour of the proposition. So I urge members to do that.

The Deputy Bailiff:

The Appel is called for. I invite members to return to their seat and the matter before the Assembly is for or against the proposition of The Chief Minister. I invite the Greffier to open the voting. Have all Members had a chance of voting? Very well, the Greffier will close the voting. The proposition is carried 35 votes pour, 15 votes contre.

POUR: 35

Senator L. Norman
 Senator F.H. Walker
 Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator F.E. Cohen
 Connétable of St. Ouen
 Connétable of St. Mary
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. Saviour
 Deputy R.C. Duhamel (S)
 Deputy J.J. Huet (H)
 Deputy P.N. Troy (B)
 Deputy C.J. Scott Warren (S)
 Deputy R.G. Le Hérissier (S)
 Deputy J.B. Fox (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy G.W.J. de Faye (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy D.W. Mezbourian (L)
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy A.J.D. Maclean (H)

CONTRE: 15

Senator S. Syvret
 Senator B.E. Shenton
 Senator J.L. Perchard
 Connétable of St. Peter
 Connétable of St. Helier
 Connétable of St. John
 Deputy A. Breckon (S)
 Deputy of St. Martin
 Deputy G.C.L. Baudains (C)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy P.J.D. Ryan (H)
 Deputy of Grouville
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)

ABSTAIN: 0

Deputy of St. John
Deputy I.J. Gorst (C)
Deputy of St. Mary

Senator S. Syvret:

Just before I propose the adjournment, Sir, could I procedurally ask when the new Minister might be elected. I gather I will be in a caretaking role until...

The Deputy Bailiff:

As I understand it, Senator, as from now you are dismissed. I am sorry about that. Where there is a vacancy the role is undertaken either by the Chief Minister or another Minister who he may designate until obviously he proposes a replacement minister.

Senator F.H. Walker:

Yes, Sir, I think it is in everyone's best interest that I do so as quickly as possible. I am not in a position to do so, I am sure Members would not want me to, tonight. I will need to think and consult and I will come back to the House just as soon as I can, but in anticipation that we may still be sitting on Thursday then I would aim for Thursday but if not it may have to be next week.

Senator S. Syvret:

Might I suggest that it might be better to wait a week? We are due to come back next Tuesday and there may be a number of people in the Assembly, a number of members who may wish to go for the post themselves but will perhaps need to think about it, discuss it with colleagues, explore some of the documentation and the issues. I think it is probably better to give it, I think at least a week I would have thought for the appointment.

The Deputy Bailiff:

I think it may be a matter for the Chief Minister to consider your comments.

Senator F.H. Walker:

Yes, Sir, I will indeed.

Senator S. Syvret:

May I propose the adjournment.

ADJOURNMENT

The Deputy Bailiff:

Just before the Assembly adjourns I have been asked to inform members that the comments of the Economic Development Minister on Projet 99 - Goods and Service Tax: place marking legislation - were distributed earlier today. Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.