

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 24th MAY 2016

COMMUNICATIONS BY THE PRESIDING OFFICER	7
1. The Deputy Bailiff:.....	7
QUESTIONS.....	7
2. Written Questions	7
2.1 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING FINANCING OPTIONS FOR HEALTH AND SOCIAL SERVICES IN JERSEY:	7
2.2 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING HIGHER EDUCATION FUNDING:	7
2.3 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE SOCIAL SECURITY CONTRIBUTIONS MADE BY THE SELF-EMPLOYED:	8
2.4 DEPUTY G. P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING INFORMATION REQUESTED FROM FINANCIAL SERVICES FIRMS BY THE JERSEY FINANCIAL SERVICES COMMISSION FOLLOWING THE RELEASE OF THE ‘PANAMA PAPERS’:	9
2.5 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE PROVISION OF BODY-WORN CAMERAS TO OPERATIONAL OFFICERS:	10
2.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ANNUAL RESIDENT POPULATION ESTIMATES:	11
2.7 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE EMPLOYMENT OF SOCIAL WORKERS:	12
2.8 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING OFF-ISLAND PLACEMENTS:	16
2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING WORKPLACE STRESS EXPERIENCED BY TEACHING STAFF: ...	17
2.10 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING TELECOMMUNICATION DEVICES PLACED ON SCHOOL BUILDINGS:	18
2.11 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE CHARGING OF FEES BY LETTING AGENTS:	18
2.12 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN COMITÉ DES CONNÉTABLES REGARDING CONSULTATION WITH THE DEPARTMENT FOR	

INFRASTRUCTURE REGARDING THE MAINTENANCE OF PARKS AND GARDENS:.....	19
2.13 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FEASIBILITY OF INTRODUCING TAXES ON SECOND HOMES AND EMPTY PROPERTIES:.....	19
2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE OUTCOME OF THE U.K. ANTI-CORRUPTION SUMMIT:.....	20
2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING MEASURES TO REDUCE, CEASE AND OUTSOURCE SERVICES:.....	21
2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING MEASURES TO REDUCE, CEASE OR OUTSOURCE SERVICES:.....	21
2.17 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE STRUCTURE OF THE INFORMATION SERVICES DEPARTMENT:	22
2.18 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INSTALLATION BY J.T. OF FIBRE OPTIC BROADBAND:	23
3. Oral Questions.....	23
3.1 Deputy K.C. Lewis of St. Saviour of the Minister for Health and Social Services regarding the payment of medical bills by former residents of The Limes Nursing Home:	23
Senator A.K.F. Green (The Minister for Health and Social Services):	23
3.1.1 Deputy K.C. Lewis:	23
3.1.2 Deputy J.A. Hilton of St. Helier:.....	24
3.1.3 Deputy J.A. Hilton:.....	24
3.1.4 Deputy J.A.N. Le Fondré of St. Lawrence:	24
3.1.5 Deputy J.A.N. Le Fondré:.....	24
3.1.6 Deputy J.A.N. Le Fondré:.....	24
3.1.7 Deputy R. Labey of St. Helier:.....	25
3.1.8 Deputy J.A. Hilton:.....	25
3.1.9 Deputy R.J. Rondel of St. Helier:.....	25
3.1.10 Deputy K.C. Lewis:	25
3.2 Deputy G.P. Southern of St. Helier of the Minister for Infrastructure regarding reductions in staffing levels in cleaning and gardening services:	26
Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):	26
3.2.1 Deputy G.P. Southern:.....	26
3.2.2 Deputy S.Y. Mézec of St. Helier:.....	26
3.2.3 Deputy M. Tadier of St. Brelade:	27
3.2.4 Deputy M. Tadier:	27
3.2.5 Deputy J.A. Hilton:.....	27
3.2.6 Deputy K.C. Lewis:.....	27
3.2.7 Deputy G.P. Southern:.....	28
3.3 Connétable C.H. Taylor of St. John of the Minister for Home Affairs regarding training received by the States of Jersey Police about the Honorary Police:.....	28
Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):	29

3.4 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding action being taken to help people who suffer from drug addiction:	29
Senator A.K.F. Green (The Minister for Health and Social Services):	29
3.4.1 Deputy M.R. Higgins:.....	29
3.4.2 Deputy M. Tadier:	30
3.4.3 Deputy M. Tadier:	30
3.4.4 Deputy M.R. Higgins:.....	30
3.5 Deputy R. Labey of St. Helier of the Minister for the Environment regarding the application of opaque film to the glazed west elevation windows of the new Police Headquarters:	30
Deputy S.G. Luce of St. Martin (The Minister for Environment):	31
3.5.1 Deputy R. Labey:	31
3.5.2 Deputy R. Labey:	31
3.6 Deputy S.Y. Mézec of St. Helier of the Minister for Education regarding the imposition of a pay award for Jersey’s teachers:.....	32
Connétable S.W. Pallett of St. Brelade (Assistant Minister for Education - rapporteur):.....	32
3.6.1 Deputy S.Y. Mézec:.....	32
3.6.2 Deputy M. Tadier:	33
3.6.3 Deputy M. Tadier:	33
3.6.4 Deputy A.D. Lewis of St. Helier:.....	33
3.6.5 Deputy A.D. Lewis:.....	34
3.6.6 Deputy L.M.C. Doublet of St. Saviour:.....	34
3.6.7 Deputy L.M.C. Doublet:.....	34
3.6.8 Deputy G.P. Southern:	35
3.6.9 Deputy G.P. Southern:.....	35
3.6.10 Deputy J.M. Maçon of St. Saviour:	35
3.6.11 Deputy S.Y. Mézec:.....	35
3.7 Deputy A.D. Lewis of St. Helier of the Minister for Education regarding the criteria upon which the default rate for a new student loan scheme had been based:	36
The Connétable of St. Brelade (Assistant Minister for Education - rapporteur):	36
3.7.1 Deputy A.D. Lewis:.....	36
3.7.2 Connétable J. Gallichan of St. Mary:	36
3.7.3 Deputy M. Tadier:	37
3.7.4 Deputy M. Tadier:	37
3.7.5 Deputy L.M.C. Doublet:.....	38
3.7.6 Deputy G.P. Southern:.....	38
3.7.7 Deputy A.D. Lewis:.....	38
3.8 Deputy S.Y. Mézec of St. Helier of the Minister for Infrastructure regarding residential properties held by Jersey Property Holdings:	39
Deputy E.J. Noel (The Minister for Infrastructure):.....	39
3.8.1 Deputy S.Y. Mézec:.....	39
3.8.2 Deputy A.D. Lewis:.....	40
3.8.3 Deputy J.A. Hilton:.....	40
3.8.4 Deputy J.A. Hilton:.....	40
3.8.5 Deputy G.P. Southern:.....	40
3.8.6 Deputy G.P. Southern:.....	41

3.8.7 Deputy M.R. Higgins:.....	41
3.8.8 Deputy M.R. Higgins:.....	41
3.8.9 Deputy M. Tadier:	41
3.8.10 Deputy M. Tadier:.....	41
3.8.11 Deputy S.Y. Mézec:.....	42
3.9 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the outsourcing of services currently delivered by Health Department staff:	43
Senator A.K.F. Green (The Minister for Health and Social Services):	43
3.9.1 Deputy G.P. Southern:.....	43
3.9.2 Deputy G.P. Southern:.....	43
Deputy M. Tadier:	43
3.10 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the assessment of the effect of the use of body-worn cameras on the prevention of instances of false arrest:.....	44
The Deputy of St. Peter (The Minister for Home Affairs):	44
3.10.1 Deputy M.R. Higgins:	44
3.10.2 Deputy M. Tadier:.....	45
3.10.3 Deputy M.R. Higgins:	45
3.11 Deputy R. Labey of St. Helier of the Minister for Home Affairs regarding accommodation for sex offenders:.....	46
The Deputy of St. Peter (The Minister for Home Affairs):	46
3.11.1 Deputy R. Labey:.....	46
4. Questions to Ministers without notice - The Minister for Home Affairs	46
4.1 The Connétable of St. Mary:.....	47
The Deputy of St. Peter (The Minister for Home Affairs):	47
4.1.1 The Connétable of St. Mary:.....	47
4.2 Deputy M.R. Higgins:.....	47
4.2.1 Deputy M.R. Higgins:.....	47
4.3 Deputy L.M.C. Doublet:.....	47
4.4 Deputy A.D. Lewis:.....	48
4.4.1 Deputy A.D. Lewis:.....	48
4.5 Deputy G.P. Southern:.....	48
4.5.1 Deputy G.P. Southern:.....	48
4.6 Deputy P.D. McLinton of St. Saviour:	49
4.7 Deputy J.M. Maçon:	49
4.8 Deputy M. Tadier:	50
4.8.1 Deputy M. Tadier:	50
4.9 Deputy G.P. Southern:.....	50
4.9.1 Deputy G.P. Southern:.....	51
5. Questions to Ministers without notice - The Chief Minister.....	51
5.1 Deputy G.P. Southern:.....	51
Senator I.J. Gorst (The Chief Minister):	51
5.1.1 Deputy G.P. Southern:.....	51
5.2 Connétable J.E. Le Maistre of Grouville:.....	51
5.2.1 The Connétable of Grouville:.....	52

5.3	Deputy L.M.C. Doublet:	52
5.3.1	Deputy L.M.C. Doublet:	52
5.4	Deputy J.A.N. Le Fondré:	52
5.5	Deputy M.R. Higgins:	53
5.6	Deputy S.Y. Mézec:	53
5.6.1	Deputy S.Y. Mézec:	53
5.7	Deputy J.M. Maçon:	53
5.7.1	Deputy J.M. Maçon:	54
5.8	Deputy A.D. Lewis:	54
5.9	Deputy M. Tadier:	54
5.9.1	Deputy M. Tadier:	55
PUBLIC BUSINESS		55
6.	Outsourcing (P.29/2016)	55
6.1	Deputy G.P. Southern:	55
6.1.1	Connétable M.P.S. Le Troquer of St. Martin:	58
6.1.2	Senator A.J.H. Maclean:	59
6.1.3	Deputy P.D. McLinton:	61
6.1.4	Deputy M. Tadier:	62
6.1.5	Senator P.M. Bailhache:	64
6.1.6	Senator Z.A. Cameron:	65
6.1.7	Connétable A.S. Crowcroft of St. Helier:	65
6.1.8	Deputy J.A. Martin of St. Helier:	66
6.1.9	Connétable S.A. Le Sueur-Rennard of St. Saviour:	68
6.1.10	Deputy S.M. Brée of St. Clement:	68
LUNCHEON ADJOURNMENT PROPOSED		69
LUNCHEON ADJOURNMENT		70
6.1.11	The Connétable of St. John:	70
6.1.12	Deputy E.J. Noel:	71
6.1.13	Deputy S.Y. Mézec:	74
6.1.14	Deputy M.R. Higgins:	76
6.1.15	Deputy K.C. Lewis:	77
6.1.16	Senator I.J. Gorst:	77
6.1.17	Deputy G.P. Southern:	78
7.	Draft Financial Regulation (Miscellaneous Provisions No. 4) (Jersey) Law 201- (P.30/2016)	81
7.1	Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):	82
7.2	Senator P.F.C. Ozouf:	84
7.3	Senator P.F.C. Ozouf:	84
8.	Draft Criminal Justice (Young Offenders) (No. 2) (Jersey) Law 201- (P.33/2016)	84
8.1	The Deputy of St. Peter (The Minister for Home Affairs):	84
8.1.1	Deputy L.M.C. Doublet:	87
8.1.2	Deputy A.D. Lewis:	87
8.1.3	Senator Z.A. Cameron:	87
8.1.4	The Deputy of St. Peter:	87
	Mr. M.H. Temple Q.C., H.M. Solicitor General:	88
8.2	The Deputy of St. Peter:	90

8.2.1 Deputy L.M.C. Doublet:.....	90
The Solicitor General:.....	90
8.2.2 The Deputy of St. Peter:	90
9. Draft Licensing (No. 18) (Jersey) Regulations 201- (P.34/2016).....	91
9.1 The Connétable of St. Brelade (Assistant Minister for Economic Development, Tourism and Culture - rapporteur):	92
9.1.1 The Connétable of St. Martin:.....	92
9.1.2 Deputy M. Tadier:	94
9.1.3 Senator P.F.C. Ozouf:.....	95
9.1.4 Deputy A.D. Lewis:.....	95
9.1.5 The Connétable of St. Brelade:	96
10. Draft Discrimination (Age) (Jersey) Regulations 201- (P.37/2016)	98
10.1 Deputy S.J. Pinel of St. Clement (The Minister for Social Security):.....	99
10.1.1 The Connétable of St. John:	100
10.1.2 Deputy M. Tadier:.....	101
10.1.3 The Connétable of St. Saviour:.....	104
10.1.4 Deputy G.P. Southern:	104
10.1.5 Deputy J.M. Maçon:.....	104
10.1.6 The Connétable of Grouville:	104
10.1.7 Deputy S.J. Pinel:.....	105
10.2 Deputy S.J. Pinel:	106
10.2.1 Deputy M. Tadier:.....	107
10.2.2 Deputy S.J. Pinel:.....	107
10.3 Deputy S.J. Pinel:	108
11. Draft Employment (Amendment No. 10) (Jersey) Law 201- (P.38/2016).....	109
11.1 Deputy S.J. Pinel (The Minister for Social Security):.....	109
11.2 Deputy S.J. Pinel:	110
11.2.1 Deputy G.P. Southern:	111
11.2.2 Deputy S.J. Pinel:.....	111
11.3 Deputy S.J. Pinel:	112
11.4 Draft Employment (Amendment No. 10) (Jersey) Law 201- (P.38/2016): amendment (P.38/2016).....	112
ADJOURNMENT.....	113

[9:30]

The Roll was called and the Greffier of the States led the Assembly in Prayer.

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Deputy Bailiff:

There are no announcements from the Chair.

QUESTIONS

2. Written Questions

2.1 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING FINANCING OPTIONS FOR HEALTH AND SOCIAL SERVICES IN JERSEY:

Question

Further to the Minister's answer to written question 9421 on 10th May 2016, in which he stated that "in 2011 the Treasury sought external advice regarding the financing options for health and social services in Jersey; this advice cost £71,500", could the Minister confirm what financing options were contained in this external advice and whether the prospect of introducing a new health tax was considered at that time?

Would the Minister publish that advice?

Answer

The external advice provided a comprehensive overview of the financing options for health and social services in Jersey; including:

- A summary of the objectives and goals of a health financing system as outlined by the World Health Organisation and the Council of the European Union;
- Identification of the issues that need to be considered by policymakers;
- Analysis of the approach to health financing adopted in a number of other countries;
- Analysis of the following sources of funding: mandated social insurance contributions, medical savings accounts, voluntary private insurance, out of pocket payments and taxes (noting that no country reviewed in the advice adopts a single source of funding approach);
- Provision of a recommended approach to the broad funding of health and social services in Jersey.

The advice currently remains in draft form. The Minister will seek permission from the advisor to publish the report.

2.2 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING HIGHER EDUCATION FUNDING:

Question

Following the publication of R.51/2016 "Higher Education Funding" which confirmed that the government would not pursue the implementation of a more comprehensive student loan scheme, has the Minister considered assisting students who have benefited from a private student loan by making student loan repayments tax deductible?

How much tax revenue does the Minister estimate would be lost by making such a change?

Answer

The Minister has not considered making student loan repayments tax deductible for Jersey income tax purposes.

Significant support is already provided through the income tax system to taxpayers with children in higher education through the provision of the higher child allowance (“HCA”). To a marginal rate taxpayer the HCA is worth up to £2,340 per annum (£9,000 @ 26%); to a standard rate taxpayer the HCA is worth up to £1,200 per annum (£6,000 @ 20%). Due to the way in which the HCA is given four years of allowances are available in respect of a three year degree course; meaning that over the four period the maximum tax saving is £9,360 for a marginal rate taxpayer and £4,800 for a standard rate taxpayer. The cost of the HCA is approximately £3.5 million a year. Single parents are also entitled to receive the additional personal allowance (APA) of £4,500 (worth £1,170 @ 26%) whilst they have a child in higher education.

Having liaised with the Education Department, neither the Taxes Office nor the Education Department collects the data that would allow the Minister to estimate the amount of tax revenue that would be lost by making all student loan repayments tax deductible. The only data available relates to the States-guaranteed student loans scheme, operated through a local bank. This means there would be logistical difficulties in considering a proposal such as that put forward by the Deputy which could, for example, include loans from family members where verification of entitlement to tax allowances would be very difficult.

The Minister will continue to liaise with the Education Minister and review viable options.

2.3 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE SOCIAL SECURITY CONTRIBUTIONS MADE BY THE SELF-EMPLOYED:

Question

Could the Minister provide the number of people who were registered with her department as being self-employed each year for the past 5 years, as well as how much was raised in Class 2 Social Security contributions for each of those years?

Answer

The Social Security system requires working age adults to be registered as either class one or class two and to pay contributions accordingly. An individual is registered as class one if they are employed for eight hours or more a week. All other groups of working age people are registered as class two. This includes individuals who are self-employed, but also other groups such as individuals who have a private income, people who have retired and other people who are not working. Some individuals with no or a very low income can apply to be exempted from making class two contributions.

The number of individuals registered as class two and paying contributions over the last five years is shown in the table below. This provides the detail of the number of people who made class two contributions for every month throughout the whole of the year in question, and an additional number who made class 2 contributions for some months but not all of that year. For example, this would include an individual who moved from employment into self-employment during the year.

Type	2011	2012	2013	2014	2015
Class 2 paid for full year	3100	3111	3076	3079	3172
Class 2 paid for part year	1928	1799	1756	1850	1753
Grand Total	5028	4910	4832	4929	4925

The contributions collected from this group are published each year in the departmental annual report and are shown in the second table.

Year	2011	2012	2013	2014
Total of Class 2 contributions below SEL (£000)	16,169	15,544	14,971	15,802
Total of Class 2 contributions above SEL (£000)		1,974	2,136	2,159
Total Class 2 Contribution (£000)	16,169	17,518	17,107	17,961

Note: contributions above the Standard Earnings Limit (SEL) were introduced in 2012.
The figures for 2015 will be published as part of the 2015 Annual Report.

A major review of the sustainability of the Social Security Fund is currently in the planning stage and a public consultation is scheduled for later this year. As part of the review we will be looking at the level of contributions paid by the self-employed. The full review will last several years but the section on self-employed contributions will be one of the first areas to be examined in detail.

2.4 DEPUTY G. P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING INFORMATION REQUESTED FROM FINANCIAL SERVICES FIRMS BY THE JERSEY FINANCIAL SERVICES COMMISSION FOLLOWING THE RELEASE OF THE ‘PANAMA PAPERS’:

Question

Further to the announcement by the Jersey Financial Services Commission (JFSC) on 10th May 2016 that it had sent out a structured request for information from financial services firms regulated by the JFSC in order to be as fully sighted as possible on material connections to Jersey following the release of the ‘Panama Papers’, will the Chief Minister undertake to provide members with a summary of the responses the Jersey Financial Services Commission receives to each of the five questions contained in the request?

Answer

Information received by the Jersey Financial Services Commission (“the Commission”) by carrying out its regulatory functions is restricted in its further disclosure by the provisions of the Financial Services (Jersey) Law 1998 (the “Financial Services Law”).

Article 37 of the Financial Services Law deals with limiting disclosure (by the Commission) of information received about persons conducting financial services in Jersey. It is set out in the following terms –

“37 Restricted information

(1) *Subject to paragraph (2) and to Article 38, a person who receives information relating to the business or other affairs of any person –*

- (a) *under or for the purposes of this Law; or*
- (b) *directly or indirectly from a person who has so received it,*

shall be guilty of an offence and liable to imprisonment for a term not exceeding 2 years or a fine, or both, if he or she discloses the information without the consent of the person to whom it relates and (where sub-paragraph (b) applies) the person from whom it was received.

(2) *This Article does not apply to information which at the time of the disclosure is or has already been made available to the public from other sources, or to information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it.”*

The Commission cannot therefore be expected to disclose information that is disclosed to them from regulated financial services firms concerning material connections to Jersey following the release of the ‘Panama Papers’ without the exercise of the greatest possible care to ensure its staff do not in any way risk committing an offence under the Financial Services Law. This would largely apply to any summary of such responses such as that requested by Deputy Southern although it may be possible for some broad trend aggregate data to be presented that give an indication of the overall findings of the exercise.

The Comments of the Council of Ministers concerning P42/2016 – [‘Financial institutions registered in Jersey: links to Panamanian legal firm Mossack Fonseca’](#) (also lodged by Deputy Southern) outline the importance of the independence of the regulator in relation to international standards and the difficulties in relation to disclosure of confidential restricted information passed to the Regulator.

The working relationship between the Government and the Commission is particularly strong and the JFSC is required to raise with Government, as appropriate and pursuant to its statutory responsibility, any relevant financial services matter or any trends emerging that may affect the reputation of the Island. In this regard, senior representative of the Government, the Commission and Jersey Finance meet on a monthly basis and this meeting is an appropriate forum for consideration of risks that may affect the reputation of the island, which would include any relevant matters arising from the Panama Papers.

The Commission should therefore be permitted to carry out its regulatory functions as per its statutory duty without undue interference by or disclosure to external sources, which includes the Government and the States Assembly.

Finally, Members may be aware that the comments of the Council of Ministers to P42/2016 state the following at Paragraph 22.

“22. States Members will appreciate that it is neither appropriate nor possible to provide details on specific cases, but it can be disclosed that at the current point in time 28 connections have been identified. The Commission is evaluating each reported incidence for: any potential conduct of business concerns; suspicion of exposures to financial crime (including tax evasion) or other potential problems. It should be noted that mention of Jersey among the Panama Papers is not automatically an indication of any misconduct by the named Jersey entities.”

The deadline for disclosure following the structured request sent out on 5 May 2016 was 18 May 2016. Once the Commission has had time to consider and analyse the information disclosed they have agreed to update the number of connections identified.

2.5 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE PROVISION OF BODY-WORN CAMERAS TO OPERATIONAL OFFICERS:

Question

Will the Minister advise members how many operational officers have been equipped with body-worn cameras and explain in detail the policy for their use, and in particular, whether are they activated for the entire shift or only when officers go out on patrol, and whether officers have any discretion on their activation? Will she also explain whether footage from body-worn cameras is able to be provided for use in court?

Answer

Uniformed Operational Officers of the States of Jersey Police have access to approximately 30 Body Worn Video (BWV) cameras. Provided there are sufficient camera’s available, all uniform operational officers must ensure that they take possession of a BWV camera at the start of their tour of duty. The BWV devices are not personal issue items. In the event that one is not utilised, then the officer must record and justify the

reasons for not carrying one in their Pocket Note Book. The use of BWV by specialist departments is the decision of the Senior Investigating Officer on a case by case basis.

BWV are not activated for entire periods of duty, some of the reasons for which are:

- The size of the data collated would be huge, whereby needing costly storage systems.
- It would be difficult to search for and abstract relevant sections of footage for evidential means from large captures.
- The collateral intrusion would be significant due to capturing both evidential and non-evidential interactions wherever the officer went.
- Constant capture does not consider the right of individuals to a private and family life (Article 8 ECHR).
- There is no operational need to maintain constant BWV recording for entire periods of duty. The device is an operational tool and is used at the officer's discretion, albeit with strong operational policy and guidance surrounding their use.

When used effectively, BWV can promote public reassurance, capture best evidence, modify behaviour, prevent harm and deter people from committing crime and anti-social behaviour. The footage is often played in Court. Recordings will provide independent evidence that will improve the quality of prosecution cases and may reduce the reliance on victim evidence particularly those who may be vulnerable or reluctant to attend court.

A comprehensive policy underpins the use of the cameras and can be found here - www.jersey.police.uk/accessing-information/body-worn-video/. All police officers, and particularly those who regularly use BWV, are fully aware of the policy and its contents. In order to use BWV, officers receive training in all necessary technical aspects of the equipment. The training package includes:

1. Legal implications
2. Practical use issues
3. Evidential continuity
4. Health and safety
5. Diversity issues
6. Professional standards.

2.6 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ANNUAL RESIDENT POPULATION ESTIMATES:

Question

Further to the annual resident population estimates which were published by the Statistics Unit on 24th June 2015, can the Chief Minister advise why, given the States' policy of restricting population growth to 325 people per annum, the population has grown to the extent outlined, and provide the resident population estimates for the year ends 2013 (which is 'not available' in the report), 2014 (given that the report indicates that the value quoted is uncertain) and 2015?

Answer

The Statistics Unit provide updates of population and net migration as part of its schedule of official statistics. These can be found at:

<http://www.gov.je/GOVERNMENT/JERSEYWORLD/STATISTICSUNIT/Pages/default.aspx>.

The next release of population and net migration statistics is on the 22nd June, 2016.

While we should not speculate on the level of population and net migration that will be reported by the Statistics Unit, the recent Labour Market Survey released on the 29th April, 2016 reported record private sector employment growth of 1,550 during 2015, including prominent employment growth in the following areas:

- +420 in financial services
- +320 in construction
- +560 in private health, education and other services
- +170 in hospitality

As to the residential status of these new workers, the Labour Market Survey reported growth in “entitled” and “entitled to work” employment of +1,200, and in “registered” employment of +320. So, we are seeing strong growth in “local” employment, but we are also seeing some growth in newer migrants working. This matches other economic data which show that our economy is improving. It also matches the published 2015 application statistics for the Control of Housing and Work (Jersey) Law, which can be found at: <http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=1737>. These showed that of the 918 applications for permanent registered staff in 2015, just over half were refused, including 134 new appointments in hospitality and 106 in construction. Of those additional registered staff that were approved, they included:

- +94 in financial services
- +153 in construction
- +45 in private health, education and other services
- +40 in hospitality

These decisions were made to support businesses seeking staff, with those businesses having demonstrated an inability to recruit entitled or entitled to work staff, and being committed to working with the “back to work” scheme. It is the case that many businesses are struggling to recruit.

These are difficult decisions, but they are in line with strategies which support economic and productivity growth, and other aims such as increasing the supply of housing and building new infrastructure, and supporting businesses which deliver benefits to consumers, including wider benefits around health and well-being. This is important, recognising our society is ageing, with the additional cost pressures this brings, and the need to care for this ageing population. In doing this, we are seeking to target migration - which is why so many applications were refused. The Housing and Work Advisory Group will continue to do this, and will consider in depth the population and migration statistics when they are released on the 22nd June.

Alongside this ongoing work, the Council of Minister’s is also embarking on a wide community consultation to develop a new long term vision for Jersey, with this vision setting a future direction for how we enhance the quality of life for Islanders and the implications for population and immigration policy.

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

Question

Will the Minister provide –

- (a) a breakdown of the number of front line social workers (as opposed to managers) employed by his department showing their qualifications, time spent working in social work; and the number of years they have worked for the department, and the number of years they have worked for the department;

- (b) an estimate of the average annual case load of each front line social worker;
- (c) details of the turnover of social workers in each year since 2008?

Answer

(a) Table 1 shows the headcount and FTE of social workers, per area, as at the 30th April 2016:

Table 1

Area	Headcount	FTE
65+ Community & Social Service	1	1.0
Adult Mental Health	2	1.5
Adults Day Services	1	1.0
Adults Social Work	29	26.1
Alcohol & Drugs Services	1	1.0
C&SS Governance	1	1.0
C&SS Intermediate Care	1	1.0
Children's Social Work	7	6.5
Independent Reviewing Officer	2	2.0
Looked After Children	19	17.8
Safeguarding	16	15.8
Special Needs Service	1	1.0
Speech & Language		0.5
Childrens Mgmt & Admin	2	2.0
Psychology	1	1.0
Grand Total	84	79.2

Table 2 shows social workers' length of service (in years) with the States of Jersey. It is not practical to show the "length of time spent working in social work" as this data is not held in SoJ computer records. Staff coming to Jersey will range from newly qualified social workers who have just finished their degrees to those who have many years of service across a number of employers and service areas.

Table 2

Area	Length of Service (Headcount)						Total
	0-5	5-10	10-15	15-20	20-25	25-30	
65+ Community & Social Service	1						1
Adult Mental Health			2				2
Adults Day Services		1					1
Adults Social Work	11	7	7	3		1	29
Alcohol & Drugs Services		1					1
C&SS Governance				1			1
C&SS Intermediate Care			1				1
Children's Social Work	2	2	3				7
Independent Reviewing Officer		1	1				2
Looked After Children	4	5	5	3	1	1	19
Safeguarding	7	6	2	1			16
Special Needs Service						1	1
Speech & Language							
Childrens Mgmt & Admin		1	1				2
Psychology		1					1
Grand Total	25	25	22	8	1	3	84

Qualifications of social workers

The range of qualifications will depend on when an individual formally qualified as a social worker. Since 2003, social work has been a degree-based qualification and therefore all staff employed since then will hold either a first degree or Master's degree in social work.

The previous qualifications are listed below and all registered social workers in Jersey will have one or other of these, depending on when they qualified.

The main qualification for social work is the undergraduate Bachelor's degree (BA, BSc or BSW) in social work, offered at British universities from September 2003 onwards. There is also a Master's degree (MA, MSc or MSW).

These have replaced the previous qualifying award, the undergraduate Diploma in Social Work (DipSW), although the postgraduate counterpart, the Postgraduate Diploma in Social Work (PGDipSW) is still awarded and allows the holder to register and practice as a social worker. The DipSW was first awarded in 1991 and phased out across the UK by 2009. Prior to this, the recognised qualification was the Certificate of Qualification in Social Work (CQSW), awarded between 1975 and 1991.

(b) Estimate of the average annual caseload of each front line social worker

Caseload numbers can vary from worker to worker with the number of cases itself not giving a full picture. Allocation depends on a number of factors including caseload mix, complexity of the case and experience of the social worker along with consideration of any special needs, such as communication requirements. An illustration of this would be that a newly-qualified worker would not carry a case where a child's name was placed on the child protection register.

The length of time a case is open is also dependent on progression of the care plan and target outcomes, which can be impacted by the complexity of a range of needs. Some individuals require long-term involvement and, in some cases, life-long support, while others require short- to medium-term intervention. This means that any estimate of annual average caseload should be treated with caution.

Community and Social Services receives referrals from a range of different sources for social work assessment and/or support with only some of these progressing to being classed as ‘cases’. This means that some social workers employed at the ‘front door’ of the service will hold fewer cases and will do more assessments, screening and short-term work.

Table 3 outlines the service areas and caseloads.

Table 3

Service Area	Number of referrals			Average number of cases per social worker	Estimated average number of cases
	2014	2015	2016 (to end of April)		
Adults	905	1338	593	25-30	80-100
Children	1136	1000	343	16-20	Information is not available

- (c) Due to changes in the way that data is now created and calculated in SoJ computer records, turnover figures are shown from 2013 onwards, with each year having its own table. Only areas where turnover has actually occurred are shown:

2013	
Area	Headcount
65+ Community & Social Service	2
Adults Social Work	1
Childrens Mgmt & Admin	2
Children's Social Work	4
Total	9

2014	
Area	Headcount
65+ Community & Social Service	5
Adults Social Work	2
C&SS Governance	1
Childrens Mgmt & Admin	2
Children's Social Work	2
Occupational Therapy	1
Total	13

2015	
Area	Headcount
Adult Mental Health	1
Adults Social Work	3
Childrens Mgmt & Admin	3
Children's Social Work	2
Independent Reviewing Officer	1
Safeguarding & Community	3
Total	13

2.8 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING OFF-ISLAND PLACEMENTS:

Question

Will the Minister advise how many children and adults were given off-Island placements in order to meet their needs with facilities or specialist staff that could not be provided on-Island, between 2008 and the present date?

Will he further provide a breakdown of the nature and duration of those placements?

Answer

Any proposal to place an adult or child off-island is subject to consideration and scrutiny by the appropriate senior manager in Community and Social Services. The circumstances of each individual are considered based on an assessment of need and the formulation of a care plan.

Some individuals require specialist support or care that is not available in Jersey; this includes specialist assessment and short-, medium- or long-term support, intervention or treatment. The circumstances of each individual are reviewed on a regular basis according to their need. All cases are reviewed using a multi-disciplinary team approach to ensure that the current arrangements continue to meet the extremely complex needs of these individuals. Those subject to mental health legislation have additional safeguards through the Statutory Mental Health tribunal and care programme approach.

The length of stay off-island varies depending upon the complexity of need – it could range from a short assessment period of 8-12 weeks to a number of years.

Adult Services

31 individuals have been placed off-island since 2008 with 8 remaining in a UK placement at April 2016. As stated above, each individual has their needs assessed and care plan formulated. Some of the individuals will be/have been subject to detention in terms of mental health or criminal justice legislation.

The table shows the number of new placements each year from 2008 to the present. The reasons for these placements include detention in terms of criminal justice or mental health legislation, specialist mental health, addiction, autism or need for a specialist brain injury service.

Year	Number of placements*
2008	2
2009	1
2010	4

2011	4
2012	2
2013	4
2014	3
2015	5
2016 (to date)	6
Total	31

Children's Services

In the years 2008 to 2016, 36 children were placed off-island. During this period, 2 children returned to Jersey and 3 children remained in placement after their 18th birthday. The duration of these placements ranges from 3 months to 5 years.

Children have been placed in foster care, residential placements and specialist residential placements (for example, specialist autism services). The children will have a range of needs with many having experienced abuse and trauma earlier in their lives.

Each child placed off-island has an allocated social worker and an independent reviewing officer who provide ongoing assessment and monitoring of each child's needs during the placement to ensure the progression of the care plan with any alterations as necessary. Family contact is promoted and supported as appropriate to the child's needs.

Year	Number of placements *
2008	2
2009	4
2010	5
2011	5
2012	4
2013	4
2014	1
2015	7
2016 (to date)	4
Total	36

* To ensure that no individuals can be identified from the information provided in the tables, the reasons for/types of placement have not been detailed.

2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING WORKPLACE STRESS EXPERIENCED BY TEACHING STAFF:

Question

What measures does the Minister have in place or under consideration to relieve workplace stress in both primary and secondary schools in order to reduce the 948 sick days taken by teachers due to anxiety, stress or depression in 2015? Does the Minister consider that teachers' administrative workloads have an impact on the level of workplace stress and, if so, what steps, if any, will he put in place to reduce this?

Answer

The same conditions apply to teachers as other staff across the States in terms of absence related to anxiety, stress or depression. This issue is highlighted in the Managers' Guidelines for Managing Attendance as a reason for concern. Managers are advised to consider referring staff to the occupational health service if this is their reason for absence to ensure they have access to the appropriate support.

In addition, the Education Department will shortly be holding follow-up workshops and focus groups to address the issues raised in the Teacher Survey conducted in Autumn 2015. The four main themes that emerged from the survey included well-being and support issues and it is recognised that more work is required to explore the reasons teachers might be affected by anxiety, stress or depression. This will help in the formulation of measures to help combat the causes in cases where they are work-related. Teacher well-being will also be explored further in the ongoing discussions with the Education Partnership with the NASUWT union and the Education Forum with the NUT and other unions.

In addition, a corporate well-being strategy is being developed by the central HR team.

2.10 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING TELECOMMUNICATION DEVICES PLACED ON SCHOOL BUILDINGS:

Question

Will the Minister provide a list detailing what telecommunication devices, including transmitters and receivers, are placed on which school buildings; who they belong to; what rent is paid and to whom for the positioning of such devices; when they were placed there and what consultation, if any, was conducted with staff, parents and pupils before they were installed?

Answer

All States schools now use the JT Fibre service for their internet connection and this is delivered via underground cabling.

The previous service, provided via a Newtel microwave link, was turned off in early 2015. Some redundant equipment remains in place on a number of schools pending removal by Newtel. These are Bel Royal, Grands Vaux, Highlands College, Grainville, Haute Vallée, Victoria College Prep, Jersey College for Girls, La Moye, Mont a l'Abbé and St Saviour's. Before the Newtel service was installed in 2002 the Medical Officer of Health at the time was consulted. She advised that the equipment did not pose a public health risk. There is no record of public consultation at the time.

In addition, there is commercial equipment belonging to Newtel on the roof of Les Quennevais and within the lift shaft. This is due to be removed during the May half term break when there is no disruption to students.

Jersey Property Holdings has confirmed that there is currently no telecoms equipment on any school roof for which the public receive a rent or there is a licence agreement in place.

2.11 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE CHARGING OF FEES BY LETTING AGENTS:

Question

What consideration, if any, has been given to banning the charging of 'finders fees' and 'contract renewal fees' by letting agents to renters? If none, would the Minister support such a move?

Has the Strategic Housing Unit given any consideration to the possible benefits of a code of conduct for letting agencies, voluntary or statutory? If so, what was the outcome of any such consideration?

Answer

The issue of fees charged by letting agents was recently highlighted in the Jersey Consumer Council 'Rents Matter' report so I am aware of concern about the transparency and level of fees, which was highlighted in the report.

I have not given consideration to banning the charging of certain fees by letting agents, and I would be reluctant to intervene in the market unnecessarily. I believe that a letting agent should be able to charge fees towards the costs of its administration, but any fees should be set at a reasonable level and properly explained to clients before they commit to engaging the service of an agent.

The Strategic Housing Unit is working with the Environment Health Department to launch the Rent Safe landlord accreditation scheme, which will cover letting agents. Landlords and letting agents who join the scheme will be required to comply with a set of standards and good practice guidance, including on the charging of fees and expenses.

I believe that this approach will help to drive improvements in rental management standards and enable consumers to make informed decisions when choosing an agent. Renting a property is a big commitment and people need to shop around and register with agents that are transparent about their fees and members of professional accredited bodies.

2.12 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN COMITÉ DES CONNÉTABLES REGARDING CONSULTATION WITH THE DEPARTMENT FOR INFRASTRUCTURE REGARDING THE MAINTENANCE OF PARKS AND GARDENS:

Question

What consultation has taken place between the Comité and the Department for Infrastructure with regard to the outsourcing of staff for the maintenance of parks and gardens in the various parishes, including Winston Churchill Park?

Answer

The parks and gardens in the various parishes, including Winston Churchill Park, which are maintained by staff of the Department for Infrastructure are owned by the public and not by the parishes.

Maintenance of the parks and gardens is therefore a matter for the States to determine. Accordingly, there has been no consultation between the Comité des Connétables and the Department for Infrastructure.

2.13 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE FEASIBILITY OF INTRODUCING TAXES ON SECOND HOMES AND EMPTY PROPERTIES:

Question

What investigation, if any, has taken place into the feasibility of introducing a tax, other than existing rates, on (i) second homes and (ii) empty properties?

What considerations would need to be taken into account in respect of companies that own multiple residential properties in the Island, were such a tax to be introduced?

Answer

No investigation has taken place into the feasibility of introducing an additional and further tax on second homes and/or empty properties. Rental income arising is already subject to income tax.

As no significant consideration has been given to the introduction of an additional tax on second homes and/or empty properties, it is impractical to set out now the range of issues which might need to be taken into account if such a tax were to be considered. It is the Tax Policy Unit's practice to identify and engage potential stakeholders as early as possible in the policy-development process to scope the range of considerations that policymakers and Ministers might need to take into account.

As the Deputy highlights in his question, second homes and empty properties are currently subject to Parish and Island-wide rates in accordance with the Rates (Jersey) Law 2005. The Rates Law does not include any specific rules that address second homes and/or empty properties (i.e. such properties are subject to the standard rates rules).

The Deputy should also be aware that investigating ways to make more empty properties available to the market is a specific objective identified in the housing strategy (see: <http://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=1975>) and it is understood that relevant work on this objective will commence in 2017.

2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE OUTCOME OF THE U.K. ANTI-CORRUPTION SUMMIT:

Question

What timescale, if any, was agreed by participants at the recent UK Anti-Corruption Summit for the UK to produce a public register of beneficial ownership of companies and what degree of co-operation was offered by the Chief Minister to the UK Prime Minister towards the establishment of such a register?

What measures does the Minister plan to introduce arising from the UK Anti-Corruption Summit to reduce tax avoidance and evasion; and what assessment he has made of whether tax avoidance and evasion can be eliminated without introducing a public register of beneficial ownership?

Answer

There was no need for either of the steps referred to in the first paragraph of the question because by the time of the Anti-Corruption Summit the UK already had provided for a public register of beneficial ownership of companies. The UK enacted in 2015 the Small Business, Enterprise and Employment Act Section 81 of which introduced a public register of people with significant control of companies (the PSC register). The register came into force from 6 April 2016 and from 30 June 2016 companies annual returns will be required to contain beneficial ownership information.

Turning to the second paragraph of the question, ahead of the Summit Jersey confirmed its willingness to join the list of jurisdictions that have committed to the recently launched initiative for the development and subsequent implementation of a new global standard for the exchange of beneficial ownership information. In addition, through our attendance at the Summit, Jersey was a party to the Communique issued at the conclusion of the Summit. This noted the initiative for the automatic exchange of beneficial ownership information and asked the FATF, the OECD and the Global forum on Transparency and Exchange of Information for Tax Purposes to develop initial proposals on ways to improve the implementation of the international standards on transparency, including on the availability of beneficial ownership and its international exchange. The Communique states that this will help tax and law enforcement authorities track the complex offshore trails used by criminals.

Jersey has offered to join in the work on the development of the new standard, and in accordance with our policy to-date will join in the implementation of the international standard when it is formulated by the

international standard setters and has global acceptance. As with the Common Reporting Standard on automatic exchange of information, of which Jersey was one of the “early adopters”, it is believed that the best way to assist in the elimination of all financial crime, of which tax evasion is one element, and aggressive tax avoidance is for law enforcement and tax authorities to have accurate, adequate and current information and this is best achieved through the automatic exchange of information with those authorities. The Summit Communique calls for action to ensure accurate and timely beneficial ownership information is collected, available and fully accessible to those who have a legitimate interest in it. In recognising the need for mechanisms to be put in place to ensure that law enforcement and other competent authorities, including tax authorities, have full and effective access to accurate and up-to-date information the Communique simply says “it may include establishing public central registers”.

Jersey is already in a leading position in meeting the Summit’s objectives. The OECD Secretary General spoke of the “exemplary delivery” of the Crown Dependencies in the steps they have taken so far. The UK Chancellor in a letter to me ahead of the Summit referred to Jersey’s lead on global transparency and how this had been influential in helping achieve rapid global uptake of the international standards on global tax transparency. The Minister for the Cabinet Office in answering a question in the House of Commons on the 9th May referred to the Crown Dependencies being well ahead of many other similar jurisdictions and that this represents a significant step forward in the ability to counter criminal activity.

The Communique called on all countries to regulate and effectively supervise trust and company service providers and support the promotion of global industry best practice in this sector to underpin full and consistent implementation of FATF standards globally. Jersey is a recognised leader in this field having regulated trust and company service providers for some fifteen years. Combined with a validated central register of beneficial ownership Jersey is able to assist law enforcement and tax authorities in the fight against financial crime and aggressive tax avoidance in a way that most if not all other jurisdictions have yet to emulate and this, combined with the proposed international standard on the automatic exchange of beneficial ownership information, will be of much greater value to those authorities in providing them with more accurate, adequate and timely information than would be provided by a public register.

2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING MEASURES TO REDUCE, CEASE AND OUTSOURCE SERVICES:

Question

What results have emerged so far from the Minister’s commitment to examine measures to reduce, cease or outsource services for which he is responsible? Are any areas of service provision likely to be subject to new or increased charges and, in particular, what changes, if any, are under consideration for patient transport services?

Answer

The Health and Social Services Department is always seeking to deliver services to Islanders in the most efficient and effective way possible, while prioritising the safety of patients. As one would expect, services are always under review to ensure value for money. There are no plans at this point in time to outsource, reduce or cease services currently provided by the department. The department is seeking to deliver savings through sustainable efficiencies, service redesign and cost reductions. Future plans are currently being finalised and will appear in the MTFP Addition. This would include changes, if any, to patient transport services.

2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING MEASURES TO REDUCE, CEASE OR OUTSOURCE SERVICES:

Question

What results have emerged so far from the Minister's commitment to examine measures to reduce, cease or outsource services for which she is responsible?

Answer

The Department for Community and Constitutional Affairs (CCA) is engaged actively with the Public Sector Reform Programme to modernise services and deliver efficiencies and savings in the second part of the Medium Term Financial Plan (MTFP 2017-2019) in order to support investment in the Strategic Plan priorities; this includes the use of LEAN techniques, workforce modernisation and service redesign.

The priority is to maintain public safety and front line public services, having regard for the statutory basis for many of the services delivered by the Department. Two senior officers have worked closely with relevant Service Heads to look at the services delivered by the Department in order to identify where efficiencies and savings can be achieved, including if parts of services might be ceased, reduced or delivered more efficiently by others.

As a result of this work there are service redesigns in development for areas of the States of Jersey Police, Jersey Fire and Rescue Service and Jersey Customs and Immigration Service. This service redesign work includes investments in the increased use of mobile technology, new operating models, some investments in premises and closer collaborative working between the services and other agencies.

2.17 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE STRUCTURE OF THE INFORMATION SERVICES DEPARTMENT:

Question

What is the baseline transaction cost, and how many full-time equivalent staff, are required for the current structure of the Information Services (IS) department; and what assessment has he made of the scale and complexity of that department compared to IS provision in similarly-sized private sector companies?

Answer

The revenue expenditure for Information Services for 2015;

Enterprise Systems & Information Management;	£1,616,731
IT Services & Business Support;	£8,135,488
Total Budget (inc ISD Support Functions)	£10,628.960

Capital expenditure by IS in 2015 was £2.9m.

2015 Service Desk Statistics;

Supported 4,475 desktop PC's and laptops
Supported 7,592 staff across 33 departments
Answered 29,589 phone calls
Received 11,731 emails

The 2016 MTFP agreed FTE number for the Information Services department is: 92.9.

The Information Services Department is currently preparing a tender document for some of its services to be market tested with the private sector, therefore, it would not be appropriate to release information at a more detailed level which could compromise the commercial position of the States.

The Information Services Department is also currently undergoing a major restructuring programme to ensure it is structured to provide for modern systems to meet the increasing demands for the digital environment in which we all live and work. It is not possible to provide a benchmark with similarly sized private sector companies as the range of projects being undertaken spans so many critical areas of government such as the implementation of the eGov range of projects as well as the replacement for the many large systems that support the critical infrastructure of the States.

2.18 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INSTALLATION BY J.T. OF FIBRE OPTIC BROADBAND:

Question

Can the Minister, as shareholder representative, provide an up-to-date account of the fibre installation being carried out by JT and advise how many of the employed engineers for this project are now sourced locally?

Answer

The fibre installation is progressing as set out in the following table:

Network element	Broadband premises	Percentage complete
Core network	-	100%
Premises passed fibre network	34,272	100%
Premises connected fibre network	18,326	53.5%

The Minister is advised by JT that, as at 19th May 2016, there are 159 JT staff involved with the fibre installation programme. Of the 159 staff, there are 72 local engineers and 45 non-local engineers dedicated to the programme on a full time basis.

The Minister will soon be inviting all States’ Members to the annual update from JT where all aspects of progress will be shared.

3. Oral Questions

3.1 Deputy K.C. Lewis of St. Saviour of the Minister for Health and Social Services regarding the payment of medical bills by former residents of The Limes Nursing Home:

Will the Minister advise whether residents who were moved from The Limes Nursing Home will be subject to G.P. (General Practitioner) and other medical bills at their new nursing home and will he liaise with the Minister for Social Security to ensure that this is not a recurring problem?

Senator A.K.F. Green (The Minister for Health and Social Services):

Residents that have moved from The Limes Nursing Home will be subject to G.P. and other medical bills at their new nursing home, as is the case for all other residents in all other establishments. However, if they are claiming means-tested long-term care benefit to assist with the payment of their care home fees then they, like others in the home, may be entitled to support from Social Security with their G.P. costs.

3.1.1 Deputy K.C. Lewis:

I think this is where the confusion arises. People were under the impression that if they moved from The Limes that their G.P. bills would be covered. I only have one parishioner who is

suffering with this but I know there are many around the Island. Will the Minister agree to liaise with the Minister for Social Security to make sure that this confusion is cleared up?

Senator A.K.F. Green:

Personally, I apologise if there was any confusion. It was quite clear that the residents were told when moving that the costs for them in terms of their residential or nursing care would not change. I am sorry if it was not made clear about the G.P. bills. I do not need to liaise more than I already have with the Minister for Social Security because those on limited means who are getting support through the long-term care scheme may be, depending on their assets, entitled to support from Social Security.

3.1.2 Deputy J.A. Hilton of St. Helier:

Can the Minister confirm whether the rules have changed since any of the residents left The Limes and were the residents in receipt of free G.P. care before they left the Limes, so that something has changed in the meanwhile?

Senator A.K.F. Green:

The rules have not changed but the place of residence has changed. For example, the people in nursing care in Sandybrook still receive free G.P. care and that is done by the basis that it is convenient for us to have one contract with a group of G.P.s to provide that service. But those living in nursing homes and residential homes outside of Health's care provide payment for their G.P. unless they are entitled to assistance because they have limited means, limited assets. If they are entitled to assistance from Social Security then they will get it.

3.1.3 Deputy J.A. Hilton:

Can the Minister confirm that there were some residents of The Limes, who previously were in receipt of free G.P. care, are now having to pay?

Senator A.K.F. Green:

I thought that is what I have been saying all along, yes.

3.1.4 Deputy J.A.N. Le Fondré of St. Lawrence:

To be clear, residents at The Limes were previously in receipt of free G.P. care and are now having, as a result of the move, and no other change, are no longer in receipt of that free G.P. care?

Senator A.K.F. Green:

Yes, those residents who have sufficient assets will pay for their G.P.

[9:45]

Those who have not can access that through the proper channels through the targeted support at Social Security.

3.1.5 Deputy J.A.N. Le Fondré:

In what form was it made clear to them of that financial change?

Senator A.K.F. Green:

I am not sure. I have to be entirely upfront and honest on this, I am not sure if the G.P. aspect was properly explained. Every member has now been written to - about 10 days ago - to explain that. I apologise if it was not clear, but I cannot hand on heart say that it had been made absolutely clear, that one aspect.

3.1.6 Deputy J.A.N. Le Fondré:

Can the Minister confirm that before residents left it appears they were not written to and it was not explained clearly to them the financial consequence of this matter?

Senator A.K.F. Green:

I did not say that, I said I cannot be sure that it was explained clearly. What they were told is that the cost of their nursing care would not fall to them but I am not sure that the aspect around the G.P. was explained. But if a person has sufficient assets in order to pay for their G.P. they should be treated the same as all the other people in nursing and residential homes in the private sector. If they have not, that is what the social security system is there for.

3.1.7 Deputy R. Labey of St. Helier:

Let us be clear, the Minister was asked by Deputy Hilton if the rules had changed for the residents of the Limes specifically. The Minister brought in Sandybrook, *et cetera*, but we were not talking about that. Can the Minister be clear: the rules have now changed from the residents who were in The Limes to where they are now?

Senator A.K.F. Green:

If you want to be pedantic, the rules have not changed because the rules in the private sector, in the nursing sector, were that G.P.s were paid for by the resident. That remains. The Limes no longer exists therefore the rules in The Limes are not applicable.

3.1.8 Deputy J.A. Hilton:

Can the Minister inform Members under what order were the rules changed?

Senator A.K.F. Green:

The rules have not changed insomuch as the provision for care in the public sector.

3.1.9 Deputy R.J. Rondel of St. Helier:

Would the Minister advise how many people this affects?

Senator A.K.F. Green:

I do not have that figure to hand. From memory I seem to think it is something like 20 residents that were being transferred.

3.1.10 Deputy K.C. Lewis:

The rules may not have changed but the goalposts have certainly moved. For the residents who moved from The Limes, it was not of their choosing. They had to move, they did not have a choice. So just to clarify, there were people at The Limes who were receiving free medical care who will no longer receive that medical care. I am not sure of the exact numbers. The total number is 20 but how many were receiving free medical care who are no longer receiving free medical care? Would the Minister please clarify?

Senator A.K.F. Green:

I do not have the answer to that because that information would be based on a means-tested assessment carried out by Social Security. The basis is that The Limes had to close because it was no longer fit for purpose. We worked very hard with families to find suitable accommodation for them and I apologise, again, if it was not made clear about the G.P. practice. But they are being treated in line with all other residents in the Island. If they have assets and are able to pay for their G.P. they do. If they cannot there is a very good system available through Social Security.

3.2 Deputy G.P. Southern of St. Helier of the Minister for Infrastructure regarding reductions in staffing levels in cleaning and gardening services:

What progress, if any, has been made towards reducing staffing levels in cleaning and gardening services; how many workers have taken voluntary redundancy or have otherwise left the service; how many staff may be subject to compulsory redundancy; how many staff are planned to be retained; and to what extent will services be stopped or reduced under the redesigned service?

Deputy E.J. Noel of St. Lawrence (The Minister for Infrastructure):

This question unfortunately cannot be answered orally in full in 90 seconds, but I will do the best I can. The department has made significant progress on reducing staffing levels in these areas through vacancy management, voluntary redundancy and redeployment. At the beginning of this process there were 154 employee posts in these 2 areas. Today that figure has been reduced to 101 with 36 remaining in parks and gardens and 65 in cleaning services. To date the department has accepted 15 V.R.s (voluntary redundancy) from parks and gardens and 24 from cleaning services. I am pleased to be able to advise Members that is a result of a staff consultation process and with the union support we have taken out of scope some employees and an entire section. We are just starting the cleaning services consultation but we anticipate similar levels of reduction through V.R.s and redeployment. Staff in all of these areas have not been put at risk of compulsory redundancy at this time. This will take place only when the tenders have been evaluated and only if the prices from the private sector are less expensive. It is important to remember that we are committed to redeploying as many staff as possible of the affected staff. The staff will have 6 months' support from H.R. (Human Resources) and outplacement to find alternative work. I will be calling upon my ministerial colleagues to support the department with redeployment of some staff in order to minimise the need for compulsory redundancies. The same services will continue but they will be delivered in a more cost-effective manner. The department will be providing services that are sustainably affordable and delivered efficiently.

3.2.1 Deputy G.P. Southern:

Could the Minister inform Members how many staff will remain on his books at Infrastructure and what services will be reduced? For example, how will the care for Howard Davis Park take place in St. Saviour under his new scheme?

Deputy E.J. Noel:

Two good questions there. I will deal with the latter first. No services are going to be effectively reduced. We will be providing the same service to the public that we are currently doing but in a more efficient manner. As to the number of employees that will remain within my department, that depends on how many transfer to other areas. We have already had some from parks and gardens transfer to and become parking control officers, and we are working with our staff to slot them into other areas where we have vacancies. Indeed, we will be working with our colleagues in other departments to do the same.

3.2.2 Deputy S.Y. Mézec of St. Helier:

Could the Minister confirm whether or not he has arranged a face-to-face meeting with Unite Union's regional officer and shop steward to discuss these matters, and if so, when is that meeting planned for?

Deputy E.J. Noel:

Yes, that has taken place. The union official contacted me last week. We agreed that it would be good for ourselves and officers to meet up. Our support staff are arranging for that date. I do not have it in my diary yet. I believe that the representative wanted to meet tomorrow. Unfortunately

because we are in the States I could not do that, but we are co-ordinating our diaries so we can meet up.

3.2.3 Deputy M. Tadier of St. Brelade:

Would the Minister confirm whether any of the Parishes were approached to take over the administration or staffing of any of the parks and, specifically, would he comment on Sir Winston Churchill Park and the Parish of St. Brelade?

Deputy E.J. Noel:

We have had brief discussions with a number of Parishes, predominantly the Parish of St. Helier which has indeed taken some of our staff and we are in discussions with them about providing those public services in a more efficient way, working in partnership with the Parish of St. Helier. With regards to the Parish of St. Brelade, I believe that some preliminary discussions have taken place with the Parish municipality just to see if they would be interested in participating in a similar scheme there. We were approached by Deputy Kevin Lewis to see if we would transfer Howard Davis Park to the Parish of St. Saviour. I suggested to the good Deputy that he needs to liaise with his Constable and with his municipality first prior to us considering that request of his.

3.2.4 Deputy M. Tadier:

Has any consideration been given to what the public want and the parishioners in those Parishes, whether they are happy to see currently very well used, cherished and loved parks being outsourced, which are currently in States administration?

Deputy E.J. Noel:

Any involvement with the Parish would need the approval of the Parish, and I would assume therefore that the Parishes would have to take out the appropriate Parish Assemblies. I am not quite sure if that is the case with the Parish of St. Helier. We are working in close partnership with them and have done over many years concerning activities taken on inside the ring road and external to the ring road. But we are working closely with Constables where that is appropriate.

3.2.5 Deputy J.A. Hilton:

Our public loos are maintained and cleaned to a very high standard by the Infrastructure Department and we should all be very grateful to those who work there who help in upholding the good reputation of Jersey as a holiday Island. My question is: the Minister has said that he wants to deliver the service in a more cost-efficient manner. Is he proposing on closing any public conveniences in the Island?

Deputy E.J. Noel:

No, that would be a reduction of service and we are not planning to reduce that service. I welcome the comments from Deputy Hilton about our staff, they do a fantastic job in cleaning our public conveniences. Surprisingly, it is one of the frequent comments that we get from visitors to the Island who take their time to contact my department to say how good our facilities are. Those staff do a fantastic job and have done for many years.

3.2.6 Deputy K.C. Lewis:

Just to clarify: we in the Parish of St. Saviour consider Howard Davis Park very much the jewel in our crown of the Parish. My approach to the Minister was to protect the gardening element to make sure it is at the same standard as it always has been. So it was not so much to take over the park but as the gardening element to start with.

The Deputy Bailiff:

Deputy, if you could ask a question please?

Deputy K.C. Lewis:

Does the Minister not agree?

Deputy E.J. Noel:

I do not think there was really a question there. Howard Davis Park is one of the jewels in our crown. Three of our parks have got Green Flag status; Howard Davis Park received theirs last year and I believe it is going to be re-awarded this year again. We have no intention to reduce the standard of any of our parks. I do take slight exception with what Deputy Lewis has said because many years ago when we lived in a different financial world Howard Davis Park looked even better than it does today, but it does still look fantastic and it will continue to do so.

3.2.7 Deputy G.P. Southern:

Can the Minister inform Members when he expects to have the tenders analysed and accepted and when he is likely to have his business plan completed and, above all, his economic impact plan completed?

Deputy E.J. Noel:

That is a bit like trying to hit a moving target. In some of the areas we are waiting for tenders to come in. Some areas have not gone out to tender. The due process will take place, along with the unions, along with the weekly consultation that we have with the unions, and the monthly meetings with the unions and with staff. There is a process to be followed and we deserve to follow that process because at the end of the day what we are trying to do is minimise the impact on our staff because those members of staff that unfortunately we will inevitably end up having to part ways with, they have done nothing wrong. It is not like where an employee has done something wrong and there is a disciplinary and you sack that individual. These people have done nothing wrong. They have provided us with phenomenal service, and I am sorry if I am going on a bit, but they deserve to be treated in a dignified way and due process is followed, and I am not going to rush that.

Deputy G.P. Southern:

Just for clarification, the Minister talked about his process; his process has dates attached to it. What is the date by which he expects to have completed and finalised ...

The Deputy Bailiff:

I am sorry, Deputy, that amounts to a supplementary on a supplementary.

Deputy G.P. Southern:

That is clarification, Sir. He has not been clear.

The Deputy Bailiff:

I am sorry, that is a supplementary on a supplementary. The Minister has answered in the way that he has.

3.3 Connétable C.H. Taylor of St. John of the Minister for Home Affairs regarding training received by the States of Jersey Police about the Honorary Police:

Could the Minister advise what training is received by the States of Jersey Police about the Honorary Police, and whether it includes the history of the service and the different ranks and responsibilities of Honorary Police officers?

Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):

Yes, I am pleased to confirm that the initial 15-week probationer training programme includes input from the Honorary Police on both the history and roles and responsibilities of the Honorary Police. A specific section of the probationary officer's course material is also dedicated to the Honorary Police. Indeed the Connétable of St. Martin took the time over the weekend to remind me and describe to me his involvement with this training process in the past, for which I am very grateful.

[10:00]

In addition, probationary officers also undergo a secondment to the Criminal Justice Department, which includes a visit to the Parish Hall Inquiry in order for them to understand its key role within the judicial system. I am pleased to say that there is a 2-way exchange of knowledge with the States of Jersey Police training team delivering a rolling programme of foundation training courses and additional training to new and existing Honorary Police officers. This training includes a number of operational officers, along with officers in specialist departments and ensures further opportunities for engagement and understanding of the different roles and responsibilities of the Honorary Police. I would like to take this opportunity to restate my sincere thanks and appreciation for the first class contribution that the 12 Honorary Police Forces make to many aspects of our community. **[Approbation]** Those serving in the Honorary Police embody the spirit of voluntary service which helps to make Jersey a fantastic place to live.

The Connétable of St. John:

Just to say, I am very grateful to Minister to clarify the point because I have had hesitations and it is now clearly embedded and I am very grateful to her, thank you.

3.4 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding action being taken to help people who suffer from drug addiction:

Will the Minister advise Members what action his department is taking to help people who suffer from drug addiction, and in particular those who require methadone or Subutex treatment, giving details of the estimated number of addicts needing this treatment and the number of people receiving it?

Senator A.K.F. Green (The Minister for Health and Social Services):

The methadone/Subutex programme delivered by Alcohol and Drug Services has a capacity for 120 clients annually. Research recently undertaken on the nature, the extent and the consequences of illicit drug use in Jersey estimated that there are approximately 892 problem drug users. We have a shared care approach between Alcohol and Drug Service and G.P.s in order to increase treatment across the Island and allow access to the hidden population of drug users. There are currently plans to introduce that shared care service fairly shortly. There is currently a waiting list of approximately 20 waiting to access the system and I am hoping that the shared care provision will help with that.

3.4.1 Deputy M.R. Higgins:

Supplementary. I thank the Minister for the figures. He talks of a capacity for 120. My own information seems to indicate it is 100 receiving treatment and that if new users come along they have to wait until someone else comes off the scheme before they can be admitted to it. So my concern is that we are not adequately covering the needs of the drug users and trying to diminish the problem that we have. Can the Minister tell me what the budget is for this area for Subutex and methadone and whether it is going up, down, or what, or what it has done over the last few years and especially in the Medium Term Financial Plan?

Senator A.K.F. Green:

I cannot answer the latter part of the question although I am happy to get that figure for the Deputy and forward it to all States Members. The Deputy says that there is a gap between those who want the service and those who are getting the service, and he is correct, and for that reason we are introducing the shared care system. Health and Social Services working with specialist services with 2 specialist GPs in a care shared way, and I believe that that will help those who have to wait at the moment to access the system. I do not have the figures on the budget I am afraid.

3.4.2 Deputy M. Tadier:

Just to confirm, could the Minister state whether the provision of Subutex and methadone is dictated by budget rather than by medical need at the moment?

Senator A.K.F. Green:

Access to the service that we are providing is dictated by clinical need although some people are waiting a short time at the moment to get into that service and that is why we are introducing a shared care system, working with G.P.s, to widen the possibility that people get the clinical support that they need. It is not one of budget.

3.4.3 Deputy M. Tadier:

So if people are waiting longer than they need for this particular medication, is it because there is not enough money in the pot currently and how does the Minister envisage that the shared cares proposals will resolve this issue?

Senator A.K.F. Green:

Because we will have more qualified professionals able to provide the service.

3.4.4 Deputy M.R. Higgins:

Just following on from Deputy Tadier, my understanding is that the budget for this area has not been changed for the last 10 years and yet drug use is not going down. What the Minister should recognise is that the same survey that I think he, perhaps, may have been referring to earlier, showed that 16 per cent of users funded their habit by theft because they cannot get it through the system. Another 32 users funded their drug use by selling drugs. So is it not a self-defeating policy that if we do not provide enough money to cover the official system whereby they can get it without resorting to crime or selling drugs, that we are causing problems elsewhere? Does the Minister not agree? But, first of all, what about the budget?

Senator A.K.F. Green:

The Deputy tells me that the figures have not gone up for 10 years but that is just a very crude statement. I do not know whether he is right or he is wrong. What matters is the outcomes that come from the money that we invest in the service and that is why we carried out the survey. That is why we are going for a shared care approach with G.P.s and with Drug and Alcohol Service. That is why we intend to get better value for money and treat the people that need treating. Whether people get treatment or not should be determined by their clinical needs.

3.5 Deputy R. Labey of St. Helier of the Minister for the Environment regarding the application of opaque film to the glazed west elevation windows of the new Police Headquarters:

Can the Minister bring forward the date by which opaque film must be applied to the glazed west elevation windows of the new Police Headquarters or alternatively press for a satisfactory temporary measure so that neighbouring residents do not have to wait until the building is occupied

in January 2017 for it to meet planning requirements and for neighbouring residents to have their privacy protected?

Deputy S.G. Luce of St. Martin (The Minister for Environment):

The obscure glazing to the west elevation of the new Police Headquarters is controlled by condition No. 27 of Planning Permission P/1005/2012 which reads as follows: “All windows on the west elevation of the Police Headquarters building hereby approved shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation unless otherwise agreed in writing with the Minister for Planning and Environment prior to first installation.” Although the conditions do not require a specific timing for the obscuring of the glass the department requires that this take place prior to the occupation of the building in order for the purpose of the condition to have its desired effect. The architects appointed to oversee the development have confirmed in writing that this will take place. Additionally, the contractors carrying out the development have advised me that this task is planned for Monday, 30th May, next Monday. I know that that is a Bank Holiday and I am not sure if that is an accurate job of work for that day or whether that is a mistake but I am sure the Deputy will be assured by the date. Finally, while the Chief Officer or Planning Committee does have the power under Article 27 of the Planning and Building Law to formally modify a planning permission it has not sought to do so in the light of the applicant’s undertaking to co-operate via its architect’s letter and contractor’s statement.

3.5.1 Deputy R. Labey:

If the planning condition required the opaqueness to be permanently formed in the windows, this film applied to the windows would suggest that that is not a permanent form. I want to know why the opaque quality and feature of these windows - bombproof, bulletproof windows - was not delivered as part of the manufacture of these windows and why this extra film has to be applied. Is it an afterthought? Can the Minister shed any more light on this?

The Deputy of St. Martin:

I am not exactly sure but it is my understanding the glass in the police station is a particular specific type of glass. It has to do and fulfil a whole number of tasks and meet standards and that, I understand, it is not easy for this glass to be opaque and meet these standards at the same time, which is why it is going to be covered with a film of whatever material is required to meet the condition and could not be put in at the time. I will find out for the Deputy but certainly one of the reasons is because of the glass being very specific.

Deputy R. Labey:

I thank the Minister and apologies to Members for the ...

The Deputy Bailiff:

Final supplementary.

3.5.2 Deputy R. Labey:

Yes, indeed. Apologies to Members for the parochial nature of this question, but for the people living in those apartments between State Street and the new Police Headquarters, those windows are very close and now staring directly into their living quarters, into their bedrooms. I am just worried that this was an oversight because research shows that other makers of bombproof glass can make it opaque in the procedure and I would ask the Minister to investigate further on this.

The Deputy Bailiff:

Sorry, was that a question?

Deputy R. Labey:

Yes.

The Deputy Bailiff:

Sorry, what was the question?

Deputy R. Labey:

Somewhere there. Would he agree with me that further investigation into this ... because it is a planning requirement. It is in the law and just because it is a States building ...

The Deputy Bailiff:

Deputy, you have made a number of statements. If you could now put your final supplementary question.

Deputy R. Labey:

Did the Minister hear a question in there? Does he think this merits further investigation?

The Deputy of St. Martin:

I am happy to agree with the Deputy that I will go away and come back with a further answer for him but I would also point out that if his residents are very keen to resolve issues quickly that he could use a telephone or an email and I could respond almost immediately to this rather than have to wait for today.

3.6 Deputy S.Y. Mézec of St. Helier of the Minister for Education regarding the imposition of a pay award for Jersey's teachers:

Following the decision of the States Employment Board to impose a pay award on Jersey's teachers, what impact, if any, does the Minister anticipate this will have on teacher recruitment and retention?

Connétable S.W. Pallett of St. Brelade (Assistant Minister for Education - rapporteur):

Although it is not possible to second-guess what will happen the department estimates that there will be little change. The reason is that a Jersey teacher's pay is already higher in most cases than the U.K. (United Kingdom) counterparts in maintained schools even when the cost of living is taken into account.

3.6.1 Deputy S.Y. Mézec:

Supplementary. The teachers themselves have raised considerable concerns over this because they do not believe that it is good for recruiting teachers, potentially from the U.K., to come here to fill vacancies which we are in need of on the basis that when they come here they can expect them to be forced to pay the price with pay cuts because of Government financial incompetence over many years. Would he agree that this sends out a very bad signal to those teachers who we were hoping to be recruiting in the subjects that we have got shortfall of at the moment?

The Connétable of St. Brelade:

No, I would not agree with the Deputy over that. The department believes that teaching in Jersey is still a very attractive proposition for those from the U.K. We have got lower income tax here, particularly as you progress through the ranks of teachers. Teachers work fewer days in Jersey during the year and the school days are slightly shorter on average. Working in Jersey offers an attractive lifestyle environment. I think we all appreciate that as well. I know from my own visits to both primary and secondary schools, this does not apply to all children, but generally children

are better behaved than in many inner city areas of the U.K. and I think we are thankful that our school buildings are in excellent condition and the facilities are very good, and that is something. Again, from my own involvement with sport, I think we are very lucky in this Island with the quality of facilities we have. So, no, I do not believe that that is the case.

3.6.2 Deputy M. Tadier:

Does the Assistant Minister agree that in any of the relations with our public sector workers, be they teachers or otherwise, that goodwill is an often unseen but important component in those relations but also in the service provision, and what does the Assistant Minister think will happen to that goodwill now that an imposition has been made against the will of many of these teachers?

The Connétable of St. Brelade:

I think goodwill is very important in any walk of life or any business or any role that you play. I do not believe that has broken down. There have been some very difficult discussions I know over pay - discussions with the States Employment Board - but I do not believe that it is getting to the stage that goodwill has broken down. If teachers are not particularly enthused by their pay award I am sure over a period of time they will realise that the conditions they currently have in Jersey are preferable to some in the U.K.

3.6.3 Deputy M. Tadier:

Does the Assistant Minister agree that we live in a very wealthy Island where the most wealthy and the upper quartiles, in terms of income, have seen their income go up in recent years yet for some of the providers of key services, the educators of current and future generations, to not even be able to give them a pay increase which keeps up with inflation is a smack in the face for a body of people, especially when this current Government have said that they wanted to put education as one of their priorities in the Strategic Plan?

[10:15]

The Connétable of St. Brelade:

Clearly, the States and Government are currently under extreme financial pressure; there is no doubt about that. But when you look at the pay of teachers locally and compare them to the U.K. there are some quite, I think, dramatic differences and I will take a couple of examples. Unqualified teachers in Jersey, £30,000 or around about that a year. In England it is £16,000. I will go to experienced teachers in Jersey: £49,500 a year, England £37,500. So, again, I think the differentials are still higher. I think there are good opportunities for teachers coming into the Island and there are also opportunities here as well and I think teachers are well looked after here. But clearly we are under, I think in terms of pay restraint, clearly it is difficult but I think that they are well paid for the services that they provide the Island.

3.6.4 Deputy A.D. Lewis of St. Helier:

Clearly it is slightly less attractive to teach here than maybe it used to be. So I am very interested if the Assistant Minister could advise as to what efforts are currently being made to encourage and incentivise local students to consider a career in teaching?

The Connétable of St. Brelade:

That is something that the department is working very hard to do. The Education Department is proactive in taking steps not only to recruit teachers from the U.K. but also to retain some of our graduates that are currently off-Island. Currently, at any one time we only have half of our graduates returning to the Island, and that is something that I think the department is working hard to improve on, but we are using innovative recruitment methods, particularly online. The Talent

Link system by which teachers apply for jobs has, we believe, been a little bit unwelcoming. We are doing all that we can to improve that but clearly we do need to try to attract more of our graduates back and that is something that we are actively pursuing.

3.6.5 Deputy A.D. Lewis:

Is there any specific incentive to encourage a recently graduated education student in the U.K. that is from Jersey to return to the Island, i.e. some kind of golden hello?

The Connétable of St. Brelade:

As the Deputy may be aware, I am not as fully knowledgeable in the department as the Minister is. I am sure they are looking at that type of issue and if there is I will get back to the Deputy with that information.

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

I just want to pick up on what the Assistant Minister is saying about teacher's pay and conditions being slightly better in Jersey. Does the Minister not agree that we should be proud of the fact that we value and respect teachers on our Island and in fact is the department going in the direction of worsening those pay and conditions? It sounds as if that is the direction the department is inclined to move towards. Also, is the Assistant Minister aware that countries where teachers, as a profession, are respected and valued, correlates with higher educational standards?

The Connétable of St. Brelade:

I cannot disagree with part of what Deputy Doublet says but again I go back to the fact that I still believe our teachers are very well paid. The differentials, as I have said, are still great compared with the U.K. It is still an attractive proposition to come here and teach, as we are finding when we advertise in the U.K. Many people are looking for that type of employment. So I agree with part of what she says but I still think it is a very attractive proposition to come here and teach in the U.K. but clearly pay is an emotive issue. We do try to pay our teachers as much as we can but we have got to do that within the budgetary restraints that we have within the department.

3.6.7 Deputy L.M.C. Doublet:

I am not sure my question was answered. The Assistant Minister agrees with me that yes, the conditions and pay for teachers in Jersey are slightly, and only very slightly, better than the U.K. Is the direction the department is moving into worsening those pay and conditions or is the department proud of the fact that we value of our teachers and are going to maintain those pay and conditions?

The Connétable of St. Brelade:

We do value our teachers and we are very proud of the work that they do. I do not agree that the differentials are small. I think the differentials, as I pointed out previously, are quite great. With experienced teachers there is nearly a £12,000 difference in pay so I do not believe we undervalue our teachers. I think we do value our teachers. I know from my own visits around schools, they do an incredible job in sometimes difficult circumstances in some of the town schools in sometimes very difficult situations. Do we value our teachers? Absolutely we do and I do think they are well paid for the work that they do.

Deputy L.M.C. Doublet:

My question still has not been answered. Is the department worsening the pay and conditions or maintaining them?

The Deputy Bailiff:

I am sorry, Deputy. I have allowed you a supplementary to your question. If you are not satisfied the question is answered there may be time to come round again but I must move on.

3.6.8 Deputy G.P. Southern:

It is the same topic. Do not worry. Will the Assistant Minister, on behalf of the Minister, give a categorical assurance that it is not his department's policy to reduce salaries for teachers, especially newly qualified teachers? Will he give that assurance to the House here and now?

The Connétable of St. Brelade:

I think that is a matter for the States Employment Board rather than the Minister himself. We have to work, like I say, within budgetary restraints within the department and it is a matter for the States Employment Board and negotiations with the teachers.

3.6.9 Deputy G.P. Southern:

Is it the Assistant Minister's perception that the States Employment Board may well be considering reducing newly qualified teacher's salaries?

The Connétable of St. Brelade:

I cannot answer that. I do not have that particular information. I think that is something that the Minister would have to answer.

3.6.10 Deputy J.M. Maçon of St. Saviour:

If there is U.K. regional variations with the U.K. teacher's pay, would it not be more meaningful for the Minister to provide Members with a comparison between, perhaps, say the London boroughs as opposed to a melange which includes Wales, Scotland and Northern Ireland and if the Minister does not have those figures to hand will he provide that to Members?

The Connétable of St. Brelade:

I do not have all the figures to hand. There are differentials even within London itself but I will ask the department to provide those figures to all Members.

3.6.11 Deputy S.Y. Mézec:

If conditions are so much better for teachers here than they are in the U.K. why is it the department is struggling to recruit teachers for certain key subjects? He has spoken about the conditions being better for teachers on the whole but we also know that there is an inordinate amount of stress and mental health problems that teachers here face, which must surely have at least some link to the financial worries some of them have. Given that the teachers take the opposite view to the Assistant Minister and the department about this, would he like to take the opportunity to stand and say that they are wrong and that their view on this is clearly misinformed despite the fact that they are the people on the front line?

The Connétable of St. Brelade:

Attracting teachers is challenging across the U.K. and it is becoming more challenging here. Having spoken to head teachers myself during visits to schools, clearly attracting teachers, especially in the secondary school sector, is becoming more and more difficult but nevertheless when positions are advertised we are getting a great number of people looking for those positions so I think we will still attract teachers here but it is becoming increasingly challenging but it is across the U.K.

3.7 Deputy A.D. Lewis of St. Helier of the Minister for Education regarding the criteria upon which the default rate for a new student loan scheme had been based:

Can the Assistant Minister outline the criteria upon which the default rate of 30 per cent for a new student loan scheme creating a predicted liability of £700 million contained in the Minister's recent report into higher education - which was "Higher Education Funding" R.51/2016 - was based given that the current loan scheme has a default rate of less than 10 per cent and once reaching its full liability of £8.7 million it is predicted to have only a 3 per cent default rate?

The Connétable of St. Brelade (Assistant Minister for Education - rapporteur):

As with the previous question, I will do my best to answer this on behalf of the Minister. When considering the full student loan scheme the default rate was estimated with reference to current experience within the U.K. The latest report by the National Audit Office in 2013 stated that 35 per cent of the £65 billion student loan company debt will be irrecoverable. Other more recent reports have put the estimate at 25 per cent. There is no reason to expect a higher repayment rate if there were a full Jersey loan. In fact it could be higher because the debt could deter our graduates from returning to the Island. As it is, 25 to 30 per cent of graduates do not end up returning to the Island. It is too soon to know what the liability of the current Jersey loan scheme will be, which is only £1,500 a year because the first cohort of repayments is only just coming through. As it is only for £1,500 a year as opposed to the £9,000 per annum, default rates are likely to be significantly less. The original estimates for defaults were low because this is a much smaller loan.

3.7.1 Deputy A.D. Lewis:

Does the Assistant Minister not agree that suggesting that the default rate of 100 per cent is simply scaremongering when his own report suggests that the default rate is considerably lower for the current loan scheme? Also, why is the Minister continually comparing Jersey's position with the U.K. student loan model, as in a recent report, which he refers to, it clearly stated that the U.K. Student Loan Company was extremely badly run? Furthermore, the Minister's department, has it not considered insurance schemes to protect against default and also take into consideration the prospect that repayment could commence from the moment the student begins his or her course thus significantly reducing the liability at a much earlier stage?

The Connétable of St. Brelade:

Clearly, there needs to be some scheme to compare with. The report is right, it does compare it with the U.K. but I think the U.K. shows what such a large deficit has been brought up. It currently is £65 billion a year and it is going to rise to £330 billion by 2044. Clearly, this has now led to one situation in the U.K. where that debt is now being sold off for considerably less to a debt collection agency. I think the Deputy knows what that is likely to lead to. It will lead to people being pursued through court and being pursued through various other areas to repay the loan. That is not something I think either he or I want to see happening here. A Jersey loan scheme, we believe, is not a viable option here. We think there are other solutions. I think the other solutions are within the report themselves but I will just quickly go over them. That is redistributing current funding, looking at a parents' saving scheme, something I think that does hold a lot of potential options and be more flexible, more on-Island provision and provision across the U.K. and Europe. I think there are other options other than providing a full Jersey student loan scheme.

3.7.2 Connétable J. Gallichan of St. Mary:

I think like a lot of other Members I was disappointed in the report. I did not think it went far enough and I thought it was quite dismissive of some things but does the Minister not understand that a loan scheme may have a possibility of failing in some cases through default? A grant system puts the money out of the window immediately and does not have any requirement to repay. So has

the Minister really understood the difference and the balance? He talks about reallocation. How far will we go with that concept?

The Connétable of St. Brelade:

I am pleased to say that with some details provided this morning that it is the intention of providing some more money to the scheme. The department has been working with Treasury to secure that extra funding. I cannot say what the detail is to that at present because that is something that the Minister has currently been working with. There have been ongoing discussions with Treasury about further funding. It is difficult. It is a very emotive issue and I understand that. I mean I read the report a couple of times again last night. It does not provide a solution and I think the department and Treasury and the Council of Ministers accept that, but we have to move forward. We have to find some way to ensure young people can get off-Island and take the courses that they want to take, not ones we are going to force them into taking, or in places where we are going to force them to take it. They have to have the flexibility of that. But clearly, a full Jersey loan scheme is not a viable option. It is not something that I think Treasury will accept at present but what we will do is try to find extra money and, like I say, I think from what I believe this morning, there will be more money available within that scheme.

3.7.3 Deputy M. Tadier:

Clearly, it is a difficult situation. We are facing the Americanisation of education in the U.K. where education is becoming only for the wealthy and crippling debt left for the rest. Does the Minister agree that one of the solutions must be for Jersey to establish a viable university in the Island so that not only could we educate some of our local youngsters who may want to stay on the Island but also to have new students, new disciplines and an income stream coming in for that? If that is the case, how long does he think it would take for a viable university to be established in the Island?

The Connétable of St. Brelade:

In terms of having a full university in the Island, again I think that is something that needs to be addressed with the Minister. I cannot answer that. If the department is pursuing that then clearly I will get back to the Deputy on that. But in terms of on-Island provision I think we do already put on a number of university-type courses in the Island which I think is a very positive step.

[10:30]

There have been recent talks between Guernsey and the Island of Man about the degree courses that, for example, they do in the Isle of Man, some of the engineering courses, and being able to offer that to Jersey students and then Isle of Man students being offered some of the nursing opportunities, for example, that we have here. So there are still discussions going forward in regard to that, so I think we do need to provide more provision on the Island. We currently provide some good provision but that can be increased I believe, but in terms of a full university I think that is really a question for the Minister.

3.7.4 Deputy M. Tadier:

Would the Minister consider, now, looking at possible sites for a possible university and a Latin Quarter, a cultural quarter, in the Island, perhaps Warwick Farm or elsewhere, which might be appropriate, and take that to the Minister so that we can really start moving this concept forward?

The Connétable of St. Brelade:

I would be more than pleased to take those thoughts back to the Minister. Trying to find a site for a university would be, I think, challenging within the Island. I think there are one or 2 sites that might spring to mind, one just above us, for example, but that is something that needs to be

discussed at length within the department and discussed more widely within the Island and within this Chamber as to what the future of higher education is within the Island. Clearly, we know some of the challenges of providing higher education off-Island. I think we do need to maybe look a little bit further about what we can offer within the Island and whether we can expand some of the current offerings that we currently have.

The Deputy Bailiff:

I think I was a little too permissive in permitting a question relating to the possibility of a future university when the question is dealing with the percentage calculation for student loans so I will not allow any other questions relating to a university in Jersey under this question.

3.7.5 Deputy L.M.C. Doublet:

I am not sure if this will be allowed then. Would the Minister agree that a more affordable option would be to push forward with maybe partnering with something like the Open University and providing a wider range of courses where students ...

The Deputy Bailiff:

No. I am sorry, Deputy. You were quite right to anticipate. I should perhaps have picked up Deputy Tadier sooner, I did not, but that is no reason to let this one go.

Deputy M. Tadier:

May I just explain? It is one of the options put forward in the paper as an alternative to loans and to grants; that is why I raised it.

The Deputy Bailiff:

Yes, but the question relates, Deputy, to the calculation of the loan so I think you have scored at this point but I will not allow it to continue.

3.7.6 Deputy G.P. Southern:

I hope. Can the Assistant Minister offer a categorical assurance that his department will maintain the level of support for study on-Island for higher education degree courses?

The Connétable of St. Brelade:

I believe that to be the case. I do not have that information with me but I will get back to the Deputy later today in regard to that. I think it is clear that we do want to ensure that we can support those that want to learn on-Island. It clearly is a cheaper option although cost is not the be all and everything of what we do in regards to education but clearly if we can keep students on-Island at Highlands, taking local courses, clearly there is a benefit to that and it is something I think we should be looking to achieve.

3.7.7 Deputy A.D. Lewis:

I thank the Assistant Minister for his responses in the absence of the Minister. However, there is still no immediate response for parents to find a solution to the current financial pressures and that was clear in the report which the Assistant Minister referred to. So I would like to know whether the department is going to explore further ideas because just how much longer will people have to wait for those ideas. This has been going on for over a decade now. If it is ideas he wants, I have got plenty, supplied to me by concerned parents, many of whom have already forwarded them to the Minister but they have either been ignored or dismissed out of hand. Can the Minister assure this Assembly that more outside-the-box thinking will prevail from his department and also to have a proper informed debate which will be started today on this subject? Would the Assistant Minister consider bringing a proposition to the Assembly to have an in-committee debate on this vitally

important matter before we lose a whole generation of prospective graduates from our Island economy?

The Connétable of St. Brelade:

In regards to the in-committee debate, that is something that I will take back to the ministerial team to discuss. It may be an option, but I think it is something that we need to discuss. In regards to solutions or ideas, it must be very frustrating to those that are either in higher education or about to go into higher education that there does not seem to be a solution to some of the issues that they have got. I do not think any ideas that the department have received are ignored or dismissed. I only spoke yesterday to the Director around about ... if there are solutions out there, and the Deputy has got them, then it would be absolutely ridiculous for us not to consider them but it is a very difficult issue to resolve. It is something that we are going to carry on working on. It is something that I know that the Chief Minister is very passionate about, trying to ensure that we can find a solution for moving forward but it is not going to be easy in the current financial climate to provide extra money although, as I say, we will have, I believe, some extra money committed to it to support students in the foreseeable future.

The Deputy Bailiff:

We now come to question 8 that ...

Deputy A.D. Lewis:

If I just may, can I just correct something?

The Deputy Bailiff:

I am sorry, you cannot have a supplementary on your final supplementary. The trick is in the word “final supplementary”, Deputy.

3.8 Deputy S.Y. Mézec of St. Helier of the Minister for Infrastructure regarding residential properties held by Jersey Property Holdings:

How many residential properties are currently held by Jersey Property Holdings and what use are States departments currently making of them?

Deputy E.J. Noel (The Minister for Infrastructure):

A very simple question but again this answer would be better addressed by a written response, however the Deputy has insisted that an oral question and answer be provided. I can confirm that excluding incorporated bodies, the public has freehold and leasehold interests in some 209 residential properties which are held on the balance sheet of Jersey Property Holdings and on the relevant Special Funds, such as the Le Seilleur Trust. In the time available to provide the answer it is not possible to list all of the uses that these properties serve. However, the properties can be classified by departments as follows: Community and Constitutional Affairs, 20; Economic Development, Tourism, Sport and Culture, 3; Education, 15; Health and Social Services, 95; Infrastructure, 3; the Office of the Lieutenant Governor, 7; under Jersey Property Holdings freehold interests in 99-year leaseholds, 52. So these are properties such as the apartments at Les Quennevais which are unoccupied. Properties let to Health and Social Services clients, 10; properties let to third parties and self-accommodation, 4; totalling the 209.

3.8.1 Deputy S.Y. Mézec:

Supplementary. Could the Minister possibly try to confirm whether all of these properties meet what are soon to be our minimum housing standard requirements and how many of these properties are currently left empty, not being used for residential purposes?

Deputy E.J. Noel:

I can quite happily confirm that some of these properties do not comply with our standards. In particular, we have 12 properties that are being refurbished and are currently empty because of that refurbishment and we have a further 6 properties that are in the process of being void, 4 of those 6 are in the process of being re-let and 2 are properties that are in curtilages of schools and therefore it is more challenging to find suitable tenants because of the locations of those properties.

3.8.2 Deputy A.D. Lewis:

I wonder if the Minister could advise us that if that many properties are rented out, what yields are they bringing in and when were they last valued.

Deputy E.J. Noel:

The Deputy has already asked that question about the valuation. They were valued at the end of 2015, as he well knows. With regard to the yield I will have to get that information from my department and forward it to all Members.

3.8.3 Deputy J.A. Hilton:

Would the Minister be surprised to hear that Brighton College attached to Rouge Bouillon School on the school has been empty for 2½ years. It is a 2-bedroom property and taken into consideration the chronic housing shortage being experienced by the people of Jersey that that is a shameful waste of a property.

Deputy E.J. Noel:

I have to agree with Deputy Hilton there. That is one of the 2 properties that are on my list that are void but because of where it is, it is within the curtilage of the school, it is difficult to find suitable tenants where we are 100 per cent certain that they are suitable to be in close proximity to children at school time.

3.8.4 Deputy J.A. Hilton:

Supplementary. I do believe there is a process of C.R.B. checks (Criminal Record Bureau) and also I would like to know whether the property has been offered to any staff member at the school. Presumably, because they are staff members, they have all been checked. If it is the case that it is going to be let sometime in the future to somebody outside of the education system, surely some sort of barrier could be physically put up so that it is completely separate from the playground.

Deputy E.J. Noel:

I can share the frustrations with Deputy Hilton. We are working very closely with Education and the school to get those 2 particular properties resolved and to get them occupied.

3.8.5 Deputy G.P. Southern:

Nice to be asking a Minister and not an Assistant Minister. Can the Minister give us a categorical assurance that we shall not see a return of the bad old days, that there will not, in the M.T.F.P. (Medium Term Financial Plan) 2 plans, be a reduction in the maintenance budget for Property Holdings' properties?

Deputy E.J. Noel:

Obviously the Deputy has not read the M.T.F.P.2 detail for 2016 because that is exactly what we are doing in some areas. We are concentrating on essential maintenance. Those that are in the residential sector we are keeping to a reasonable standard. I have mentioned that we have got 12 properties that need to be refurbished. We are advising that those properties are properties that

form part of the Special Fund. We are advising the trustees of those funds that many of those properties should be disposed of.

3.8.6 Deputy G.P. Southern:

If I may, I am trying to refer to the next stage of the plan, 2017 onwards. I do not know what we call that. Is that M.T.F.P.2 plus or son of M.T.F.P.2? What is the nomenclature? What is the answer for 2017, 2018 and 2019?

Deputy E.J. Noel:

I do not know that answer yet because it has not been debated by this Assembly. It is due to be debated in September.

Deputy G.P. Southern:

Does the Minister have anything under consideration?

The Deputy Bailiff:

I am sorry, Deputy. That is a supplementary on a supplementary on a supplementary.

3.8.7 Deputy M.R. Higgins:

Will the Minister undertake to supply in writing to Members details of the 200-and-whatever-it-is properties that he mentioned, giving details of whether they are one-bedroom to 5-bedroomed houses and also whether they have a swimming pool?

Deputy E.J. Noel:

I am happy to do so. As I said, this question really should have been a written question with a written answer where we can provide that sort of detail. I can tell the Deputy now that I am sure that some do have a swimming pool because some of the properties that were left to the States did have such facilities and we do rent in properties for consultants at the hospital, members of our Armed Forces, *et cetera*, that do have these facilities. For example, it includes Government House in this list so there will be some properties that do have such facilities.

3.8.8 Deputy M.R. Higgins:

Supplementary. In fact in addition to the information I have asked for from the Minister will he also provide the annual rental details for these properties as well so we can compare those to the public sector?

Deputy E.J. Noel:

Obviously the Deputy did not hear my answer to Deputy Andrew Lewis. I said I would already provide that.

3.8.9 Deputy M. Tadier:

I will ask Deputy Southern's supplementary. Could the Minister state whether the budget maintenance grant for Property Holdings in future M.T.F.P.s, i.e. 2017, 2018 and the year 2019, envisages a reduction in that maintenance grant for Property Holdings?

Deputy E.J. Noel:

We have not lodged the M.T.F.P. addendum yet, yet alone debated it. So when we do I will be able to answer that more fully. What I hope to be able to do is reduce the stock of surplus properties that we no longer need and that will reduce our maintenance bill.

3.8.10 Deputy M. Tadier:

So the Minister said he is not able to answer the question that I did not ask him, so will he consider answering the question that I did ask him, which is to do with consideration. What consideration and planning is currently happening or has happened to reduce the budget for maintenance in his department for the future M.T.F.P. in the years, 2017 to 2019?

Deputy E.J. Noel:

I have already said, we hope to be able to dispose of those properties that we no longer need. It is very difficult to get property disposals past this Assembly: it has proved tricky in the past, and we only have a property a few metres outside this building that we tried to dispose of and we were stopped from doing so. That building does still require maintenance. If we could dispose of such buildings we would save money on maintenance.

Deputy M. Tadier:

I raise a point of order. We are constantly told that questions must be relevant and be related to the original question yet Ministers stand up ... this Minister, time and time again making no attempt to even answer the question and answering a different question. Can I just raise that as a point and if it is not something ...

[10:45]

The Deputy Bailiff:

What ruling do you need from the Chair on this?

Deputy M. Tadier:

That Ministers, in fact all Members, should act in a way that is open and transparent and honest and I do not think these kind of answers that we are getting from the Minister fulfil that.

The Deputy Bailiff:

Deputy, you are not making the allegation that you are not having honest answers, are you, because if there is then I am going to have to direct you ...

Deputy M. Tadier:

I am making the suggestion that the Minister is not living up to the Code of Conduct for Ministers, if not for all States Members. I am not sure if that is something you need to rule on.

The Deputy Bailiff:

Well, Deputy, that is not a point of order. That will be a matter for you to raise under the normal processes but it is not a point of order for me to rule on.

3.8.11 Deputy S.Y. Mézec:

Following on from the question asked by Deputy Hilton, what consideration, if any, has been given to allowing some of the properties which have been vacant for an extended period of time to be allowed to be used for the Housing Gateway so we can have people moving into these properties rather than being put on a waiting list that lasts an inordinate amount of time? Finally, would he be prepared to circulate the breakdown he has of these properties in an email to all States Members?

Deputy E.J. Noel:

I have already confirmed that the information requested will be circulated to States Members. With regard to the 2 educational properties that are inside the schools, we do not sit on our laurels and we are actively involved with the schools and with Education to try and find a solution to their concerns and a solution to our requirement to have these properties occupied and to receive a rental on them.

3.9 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the outsourcing of services currently delivered by Health Department staff:

What plans, if any, does the Minister have for the outsourcing of services currently delivered by the Health Department staff and what consideration has been given to abiding by the 2000 policy agreed between the States and the unions in P.59/1999 outsourcing policy?

Senator A.K.F. Green (The Minister for Health and Social Services):

As set out in my answer to the Deputy's written question for this sitting, the Health and Social Services Department is always seeking to deliver services to Islanders in the most efficient and effective way possible, also prioritising the safety of patients. One would expect services to be always under review to ensure value for money. Health and Social Services is a dynamic service. However, at this stage there are no plans to outsource services currently provided by my department. Should that provision change in the future then my department and the States Employment Board would be guided and advised by States of Jersey H.R. and Employee Relations Department Policy and Process.

3.9.1 Deputy G.P. Southern:

Are any preparations currently under consideration for moving towards outsourcing services currently administered by the department and particularly beyond the period, the span, of M.T.F.P.2 into 2019 and beyond?

Senator A.K.F. Green:

No, nothing at the moment but I will not ever say that we would not be looking at things, particularly when you are looking at services provided within the hospital moving from secondary care into primary care. It is a change of emphasis, a change in the way we do things, but there are no specific plans at the moment.

The Deputy Bailiff:

Deputy, you are entitled, I think, to a final supplementary at this point because there are no other questions. **[Interruption]** Well, there are no other questions so I will give you a final supplementary if you would like.

3.9.2 Deputy G.P. Southern:

The Minister said there are no preparations for specific plans to outsource. Are there preparations taking place over the coming period to prepare the way for outsourcing in a general way without focusing specifically on particular services?

Senator A.K.F. Green:

Not directly, but we are moving in a situation where we are providing, as I said ... for example, we intend to provide more in the primary care in the community setting than in the secondary setting. That will mean change. While it was not directly outsourcing, it was a result of an unsuitable building, I think the Deputy would agree that when we looked at The Limes and the need to look after our staff there as well as the residents that moved, we did that well. Because of changes with the P.82 and the need for more nurses, for example, we were able to offer everybody a job but things change. But there are no plans at the moment to directly outsource.

Deputy M. Tadier:

Before we proceed, I apologise for the interruption but I did not have the presence of mind to cite the Standing Order which I wished to have a ruling on earlier. It is Standing Order 63 part 7, which says: "That the Member of the States answering the question shall answer it and any supplementary

question concisely.” I appreciate fully that the word “answer it” is subjective. I do not believe that the Minister has met with the spirit of that Standing Order 63(7) because he did not answer it and I think any reasonable listener would think that. So that is the Standing Order which I wanted to invoke.

The Deputy Bailiff:

Well, Deputy, I am entirely content that you draw that to my intention. Clearly, the purpose of question time is the soliciting and provision of information; that is the essence of it. Sometimes one gets to that in a rather circuitous difficult route and sometimes people do not provide the information in the way that the questioner would like to have it. But I do not think I am called upon to make a ruling at this stage because we are now past the point where a ruling would have any effect. Very well, we now come on to question 10 that Deputy Higgins will ask of the Minister for Home Affairs.

3.10 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the assessment of the effect of the use of body-worn cameras on the prevention of instances of false arrest:

What assessment, if any, has the Minister made of the effect of the use of body worn cameras on the prevention of instances of false arrest?

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

Body worn video cameras are now embedded as a strong operational policing tool, both nationally and locally, with the States of Jersey Police being one of the pioneers of this area of technology. Body worn video cameras will not themselves prevent false arrests, as the Deputy calls them, but should there be subsequent complaint of an unlawful arrest the fact that the officer, or one or more of their colleagues, was wearing body worn video technology it should help in the investigative process. I am confident that all arrests are made in good faith and are carried out on the basis of information which the officer has before them at the time, be that in a spontaneous and dynamic situation or in a more protracted and slow time investigation. I believe that overall body worn video is having a positive impact on the performance of police officers when engaging with the public. The technology often provides a useful additional strand of evidence when investigating crimes, incidents, and indeed complaints against the police.

3.10.1 Deputy M.R. Higgins:

Supplementary. The Minister just mentioned about the importance of the use of body worn video cameras in policing and saying that it would reduce crime; that is providing the cameras are being operated. All Members of this House have been circulated a letter from an individual who mentions how he was arrested in a particular set of circumstances and asked the police for the video camera evidence. The officer concerned had not put it on. When he asked for evidence from the other officers who had body worn cameras, none of them had any tape or information about it which could have cleared up the matter. The man went through a number of court trials and prosecution provided no evidence of the offence. Is this not slightly crazy that we are going through and spending the money that we are on these cameras which would be a great boom to everyone, and yet police officers can turn them off, it appears, at any whim and certainly from an evidential point of view, does she not agree that these cameras should be on and record every event where the police officers are interacting with the public?

The Deputy of St. Peter:

There are many parts of that question. Firstly, I can say that I am aware that some States Members have received communication from an individual which appears to be the case that the Deputy is

referring to and, of course, I cannot give any further information on a specific case. However, it is to be noted for the benefit of States Members that I am aware that ... well, firstly it is not practical for the police to maintain the filming of their body worn video cameras at all times because that would lead to an excessive amount of data being collected and it would be very difficult then to pinpoint the exact moments that were useful in any particular investigation. There are policy guidelines which are available on the internet on the States of Jersey Police website for members of the public to further understand the policies relating to body worn video cameras and I suggest to Members that they look at them because they are indeed very clear. Finally, the point is that if an officer does not use their body worn video camera at a particular time they do have to note and record why they did not turn the body worn camera on in that particular instance and justify their reasons for not doing so.

3.10.2 Deputy M. Tadier:

Indeed, in looking at the police website when it talks about body worn cameras, it does state, among other things: "That it provides independent evidence to support the prosecution of offenders. It deters anti-social behaviour and ultimately improves community safety." So one has to ask the question therefore, if it is true that ... I do not think anyone expects these cameras to be on 24/7 but it is strange that if at the critical point when an arrest is made or a caution given, words of advice, that if that camera is not on it does not seem to be able to provide the assurances that are given on the States Police website itself. Does the Minister accept that if that is the case that is not satisfactory and would she circulate the guidance to Members as to what instructions are given as to when you should and should not put these cameras on?

The Deputy of St. Peter:

I will happily circulate that information to Members.

3.10.3 Deputy M.R. Higgins:

Perhaps the Minister will also circulate the information that she fully mentioned that police officers who do not utilise a camera when they go out on patrol have to put the reason in their notebook. Perhaps the Minister will circulate the information as to how many officers do not go out with cameras from the records that the police have and secondly, surely it should be a requirement that any officer who does not use a camera, as Deputy Tadier said, at an operational moment, considering arresting someone, giving words of advice, should not only record it in his notebook why he did not but also those figures should be calculated to find out which officers are trying to avoid using the cameras.

The Deputy of St. Peter:

I am struggling to find the relevant information in the pack that I have before me but I am aware that we have fewer body worn video cameras available than we have officers who are being deployed so naturally some decisions have to be made and perhaps some officers do go out on patrol without one because there simply are not enough to go around.

The Deputy Bailiff:

No, sorry, that was your final supplementary.

Deputy M.R. Higgins:

No, just a clarification because the Minister did not answer the question.

The Deputy Bailiff:

No. It was your final supplementary. We do not allow a final supplementary on top of a final supplementary.

Deputy M.R. Higgins:

Sorry, I will come back in about 15 minutes.

The Deputy Bailiff:

There is questions without notice available to this Minister, as I am sure you will know.

3.11 Deputy R. Labey of St. Helier of the Minister for Home Affairs regarding accommodation for sex offenders:

Further to the Minister's answer to my oral question 9334 on 22nd March 2016, has she been able to establish whether sex offenders, including those convicted of crimes against children, have upon release been found accommodation in St. Helier guesthouses or hotels by the Prison Discharge and Chaplaincy teams and if so, how often and how recently has this occurred?

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

I am grateful to Deputy Labey for his continued interest in this subject. Further to my response to the Deputy's previous question related to this topic, I am able to advise the Assembly that between 1st February of last year and 29th February this year 117 individuals were released from La Moye Prison and only 6 were released to 5 different guesthouses. One of those 6 was a convicted sex offender but this individual only remained in the guesthouse for a very short period of time - some days - while alternative arrangements were being finalised. I am sure that the Assembly will understand that I am unable to be more specific in regard to dates or placements as this could result in a breach of data protection. It is evident that there are no significant clusters of prisoners being released to any particular guesthouse, which I believe was one of Deputy Labey's concerns. I am also able to advise the Assembly that release plans for any sex offender or violent offender are discussed in the Jersey Multi-Agency Public Protection Arrangement, known as J.M.A.P.P.A. At this forum the Honorary Police, the States of Jersey Police and the Probation Service are all represented. Public safety is the prime objective of that body.

3.11.1 Deputy R. Labey:

I am grateful to the Minister for her response and for not complaining about me asking the question in this appropriate forum. Does she agree with me that in the area that is of concern to me, that the billeting of sex offenders of guesthouses is quite inappropriate?

The Deputy of St. Peter:

As I hope I explained in the answer, this situation occurred for a very small number of days and it was simply because there were no alternatives while more fixed arrangements were being finalised.

[11.00]

The Deputy Bailiff:

Could allow a final supplementary if you ...

Deputy R. Labey:

No, thank you, sir.

4. Questions to Ministers without notice - The Minister for Home Affairs

The Deputy Bailiff:

That brings questions with notice to an end. We now move on to questions without notice. The first few questions to be addressed to the Minister for Home Affairs.

4.1 The Connétable of St. Mary:

Does the Minister continue to investigate the possibility of introducing on the spot fines for certain offences? What progress has been made in this area and can we anticipate their introduction any time soon?

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

This is, as the Constable knows, an area of shared interest between us both. However, since we went to the Comité des Connétables and we found that the committee is not agreed on this issue, it has been decided that it is difficult to move forwards because it would be a rather awkward position if some Parishes were to implement fixed penalty notices and others were not. So although it remains a matter of interest, we are at some practical difficulty.

4.1.1 The Connétable of St. Mary:

Does the Minister not acknowledge that giving the facility to implement this time saving and efficient - from both sides, from the officer's and the citizen's point of view - it is not anomalous that they need not be applied across the board? Does she not agree that it warrants investigation, certainly among the Honorary Police forces that have indicated they are desperate for this to come forward?

The Deputy of St. Peter:

I understand that in some Parishes there is a great deal of interest in this but it is felt that on a practical level it would be rather difficult to implement if it was not done the same way in all Parishes. I am happy to revisit the committee and work with Constables if they would like to do so.

4.2 Deputy M.R. Higgins:

I will have to sit on my other question until next time. Will the Minister confirm that the external police investigation into the Roy Boschat case by the Police Service of Northern Ireland was instigated by the Law Officers' Department and not by her Assistant Minister? Will she further confirm that the investigating officers are housed in the Law Officers' Department?

The Deputy of St. Peter:

It was the Assistant Minister who ordered the investigation to take place and the investigating officers are being sent from the Police Service of Northern Ireland.

4.2.1 Deputy M.R. Higgins:

A supplementary, because the Minister is wrong. Can she confirm that although her Assistant Minister notionally brought in the investigation, it was asked for by the Law Officers' Department, and also that the officers are in 23 Hill Street, which is part of the Law Officers' Department? Are they being housed there?

The Deputy of St. Peter:

I am not aware of those officers being there. I am aware that officers will come and go from the Island during the time that they are undertaking their investigation. Naturally they will need an office or a place to base themselves. I was not aware of any particular location that had been offered to them. In relation to the other point, we have received advice on this very complex situation from Law Officers, which is a natural thing, and I am sure the public would expect us to do so in these circumstances, but decisions have been made by the Assistant Minister.

4.3 Deputy L.M.C. Doublet:

Could the Minister update the Assembly please on the progress of the 20-point action plan that has recently been published by the 1,001 Days Taskforce?

The Deputy of St. Peter:

I am always very grateful to the Deputy and the Chairman for her ongoing interest and support for 1,001 Days. I am very happy to say that items on the 20-point action plan are being worked on as we speak. Just last week in fact there was a workshop being held for people in the healthcare sector to better understand the issues of perinatal mental health, which was a particularly timely piece of work. Also progress is being made with the Chairman of the Early Years Partnership - I believe is the correct title - being appointed very recently.

4.4 Deputy A.D. Lewis:

I wonder if the Minister could advise why there is no current plan to relocate the fire station from its current site, which would of course unlock the former States of Jersey Police Service site, the possible expansion of the Rouge Bouillon School, at least some usage for community and educational purposes. Can she advise as to why there is no plan to relocate the fire station currently?

The Deputy of St. Peter:

I believe that area is really more a matter for the Minister for Infrastructure who would have that in his brief as part of Jersey Property Holdings. But I am aware, as most Members are, that the use of our public buildings and facilities is always in demand, but I am not aware of any plans at the moment to look into that but I feel that it is perhaps an interesting topic that I should address with the Minister for Infrastructure.

4.4.1 Deputy A.D. Lewis:

A supplementary? Will the Minister then engage in discussion with the Minister for Infrastructure? I am a bit surprised that she has not done so already.

The Deputy of St. Peter:

Along with the Assistant Minister who has responsibility for the fire service, I am sure we will gladly engage with the Minister for Infrastructure.

4.5 Deputy G.P. Southern:

It is always fun to watch a game of pass the parcel. Can the Minister assure the House that there is no consideration currently being given to reducing funding, either for the 1,001 Days initiative or its partner, Jersey Childcare Trust, in the current plans for 2017 to 2019?

The Deputy of St. Peter:

I am not at liberty to divulge the details of the M.T.F.P. for 2017 to 2019 as it is not yet lodged, but it would be very counterintuitive to see a reduction in funding to the 1,001 Days, which is a very important initiative only in its early stages in Jersey. There is yet much work to be done on this project and I would hope to see an increase in funding for these projects rather than a decrease.

4.5.1 Deputy G.P. Southern:

Or the J.C.C.T. (Jersey Child Care Trust) which is also under consideration; can she give categorical assurance there is no plan to reduce funding?

The Deputy of St. Peter:

Funding for the J.C.C.T. is not within my budget and, as I say, I am not at liberty to share with Members any arrangements for 2017 to 2019.

4.6 Deputy P.D. McLinton of St. Saviour:

Adrian Lynch is still missing and I am sure the Assembly would like to send their heartfelt thoughts to his family at a time of incredible pain that they are going through. Many of us who are parents can only imagine how bad it must be. However, talking of pain, the people who have been searching for Adrian are also in pain. They so want a resolution to this and there have been some outrageous ...

The Bailiff:

Deputy, if you could please ask your question.

Deputy P.D. McLinton:

Sorry, Sir, I am getting to the question. There have been some outrageous attacks on the abilities, impunity, the integrity and the care of these people. Firstly, does the Minister agree that these attacks are entirely unnecessary and unhelpful; and secondly would she like to set the record straight and maybe say a few words to these people who have been helping with the search.

The Deputy of St. Peter:

It goes without saying that myself and all Members of the Assembly have Adrian's family in their thoughts at all times. The Deputy is quite right to point out that the police force, the fire service, and all of the other agencies, and particularly those in the voluntary sector who have been involved in the search for Adrian, have put enormous efforts into the search. It has been very disappointing for all those concerned that he has not yet been found. It is a most puzzling and complex case. I know that, speaking to members of the police force, they want nothing more than to find Adrian and to have some answers for those family members who deserve nothing less. Many hours of operational time has been dedicated to the search, but also many officers used their own free time to come in and join in the search when it was in its highest point, which just goes to show the dedication that those officers have to their work because if we all remember at the time the conditions were particularly unpleasant, it was a very cold and wet time of year. When the Assistant Minister and myself went to St. Lawrence to meet with people who were searching we were very impressed and touched by the efforts that were being made on behalf of the family. We have processes within the States of Jersey Police ...

The Deputy Bailiff:

If you could conclude your answer please.

The Deputy of St. Peter:

I will indeed, I am just wrapping up.

The Deputy Bailiff:

You are already over 90 seconds in your response so far.

The Deputy of St. Peter:

We have processes to offer counselling to staff and I am sure that those are being used.

4.7 Deputy J.M. Maçon:

Prison reform: given the announcements made to the north of the Island recently, will the Minister be looking to change policy in order to allow for weekend prisons in Jersey and, if not, why not?

The Deputy of St. Peter:

I am afraid I am not aware of this. Weekend prisons?

Deputy J.M. Maçon:

Yes, it was announced, I believe, in the U.K. Parliament.

The Deputy Bailiff:

This is not an exchange in terms of information. The question was is anything going to happen about weekend prisons, you are either in a position to answer that, Minister, or you are not?

The Deputy of St. Peter:

I have been aware of reports in the media and a report about the situation of prisons in the U.K., which is very different to the situation that our own prison finds itself in, which I am very grateful to report is in a much better condition and state. So it is not something that we are looking at, at the moment.

4.8 Deputy M. Tadier:

On 12th April the Assistant Minister for Home Affairs confirmed that the prime driver for the drugs and alcohol policy is harm reduction. Does the Minister agree that a proportion of harm regarding certain recreational drugs is because those drugs are illegal, i.e. having no legal way to access recreational drugs, which are demonstrably less harmful than tobacco and alcohol, in itself exposes and society to harms which are there if they were not illegal or prohibited.

The Deputy of St. Peter:

I am sure that most Members of the Assembly will take a slightly different approach to the Deputy's, and understand that the laws are in place to protect members of the public from harm, both physically and from a health perspective.

4.8.1 Deputy M. Tadier:

Indeed, I think that is, but I am not asking to get drawn into emotion or grandstanding. Does the Minister accept that because certain drugs - which are demonstrably less pernicious in health terms than tobacco and alcohol - are illegal, the procurement of such drugs, the supporting of an illegal trade and the cutting of substances which are otherwise relatively harmless or less harmful than certain other drugs, is exposing people in our society to more harm simply because those drugs remain illegal? If that is not the case or if the Minister disagrees will she give a commitment to undertake a harm analysis in terms of these drugs and whether different approaches could be used in future to determine what drugs are either legal or prohibited or controlled?

The Deputy of St. Peter:

I feel that this is a very complex question that the Deputy is putting to me, which I certainly could not answer within 90 seconds. Also we are straying into the territory of the Minister for Health and Social Services really, who is advised by the Jersey Misuse of Drugs Advisory Council who are best placed to look at that issue.

4.9 Deputy G.P. Southern:

What consideration for the years 2017 to 2019 has the Minister given to reducing the number of front line policemen on our streets?

The Deputy of St. Peter:

As was produced for the Deputy's written question, I can really only draw Members to that written question and the answer that has been provided. A great deal of work has gone into planning our M.T.F.P. for 2017 to 2019 and we have looked at a great number of ideas and suggestions that have been put before us. It has been a very complex process that has involved a lot of people and many hours of work. It will be revealed once we publish the M.T.F.P.2 edition.

4.9.1 Deputy G.P. Southern:

Is there any reduction of service envisaged concerning these redundancies?

[11:15]

The Deputy of St. Peter:

There are no redundancies to be found in that service, particularly as they are Crown Officers and cannot be made redundant. Sorry, I have now lost the thread.

5. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

Well I am afraid that brings, coincidentally, the time for questions to this Minister to an end. The next question period is for the Chief Minister.

5.1 Deputy G.P. Southern:

What consideration has the Council of Ministers given, if any, to further incorporation in the plans for 2017 to 2019 and beyond, and if so, in what departmental areas are they under consideration?

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

We have had lots of questions this morning about specific budgets and specific work streams right across departments and Ministers have very politely answered those questions. The truth is we are trying to look at every service, we are trying to look at every cost line to see if we can deliver it more effectively and at a lower cost and looking at the model that we are delivering. There has been some work along the lines that the Deputy is asking but it is far too early to have drawn any conclusion about what the result of that might be.

5.1.1 Deputy G.P. Southern:

Is that a “yes” then, there has been work done on further incorporation initiatives? What departmental areas are involved? Which departments are considering incorporation?

Senator I.J. Gorst:

The Minister for Infrastructure is carrying out a large number of reviews and workstreams in looking at the service and how he provides them, and of course as part of that review he is considering the operating model of part of his service provision. Part of that review of operating model is looking at the model that the Deputy refers to.

5.2 Connétable J.E. Le Maistre of Grouville:

The Comptroller and Auditor General’s report on eGovernment last week was quite scathing, apart from praise of the officer leading it. In that report she said: “A strong sense of departmentalism as opposed to corporate working is in place” in other words the silo mentality still exists. What steps will the Chief Minister take to rid us of this problem that has blocked eGovernment for years?

Senator I.J. Gorst:

We talk about the ship estate: it is like turning an ocean liner around to transform the way that we deliver government from departmental silos into a coherent whole. I found the Comptroller and Auditor General’s report into eGovernment an extremely interesting read. I have had some early thoughts over the weekend about how we can try and deliver on some of that, but I have been very clear since becoming Chief Minister back in 2011 that a change in culture was fundamentally important if we are going to address these issues. But it has been really, really difficult and it

continues to be difficult because for some people culture is an airy-fairy, woolly concept. The reality is, unless each one of us is pleased to come to work, to recognise our place in the Government of Jersey and in providing service to the community that we serve, we are not transforming the culture. We are doing quite a lot of work in order to do that and that is part of public sector reform.

5.2.1 The Connétable of Grouville:

I have heard of the ship analogy before. Have we got a rudder? Is it possible that we are going to turn it at all?

Senator I.J. Gorst:

Yes, we have got a rudder. As the Connétable himself said, there was praise in that report for the individual who is leading the eGovernment work, but it cannot be a silo. We have had lots of conversations and we have been doing lots of work with departments, unless each department has an eGov leader and is thinking about how they first of all deliver their service differently and then apply technology, we can praise the person who is appointed to lead eGov all we like but we will not see the delivery unless that transformation takes place.

5.3 Deputy L.M.C. Doublet:

Could the Chief Minister give his views on the new policy in the U.K. of shared parental leave? In particular, does he agree that beyond perhaps an initial period of leave for the mother that it should be up to the family to decide whether the father or the mother cares for the child?

Senator I.J. Gorst:

In theory I do. I would like to think I am a modern man: some may doubt that when they think about the amount of time I spend at home with my family. But I fundamentally think that it should be families that choose because both mothers and fathers are important to the well-being of children and, therefore, the well-being of families. I fundamentally believe that strong families - in all their forms, I am not saying that one type of family should be supreme over the other - but families in all their forms that are healthy and robust lead to a thriving and prosperous community. The theory is there, the reality of course is somewhat different and the Minister for Social Security is undertaking further work in reviewing these particular areas. I have no doubt that she, in conjunction with the Employment Forum, will come forward with proposals in due course.

5.3.1 Deputy L.M.C. Doublet:

Will the Chief Minister be supporting the Minister for Social Security in bringing forward a similar shared parental leave policy in Jersey?

Senator I.J. Gorst:

I will be supporting the Minister for Social Security in the proposals that she brings forward.

5.4 Deputy J.A.N. Le Fondré:

Will the Chief Minister confirm here and now that he is content for the Corporate Services Scrutiny Panel to release its comments on the Council of Minister's impact assessment framework document, including the report of his advisor C.I.P.F.A. (Chartered Institute of Public Finance and Accountancy) by the end of this week, given that he previously undertook for that document to be released to all States Members on or around 7th March and to date has not yet done so?

Senator I.J. Gorst:

Yes.

Deputy J.A.N. Le Fondré:

Thank you. We will arrange for that to happen.

5.5 Deputy M.R. Higgins:

Just following up on Deputy Southern's question. Can the Chief Minister say, for example, that his departments are not planning on outsourcing save - just for the sake of argument - the police service, some of the crime scene analysis, the hospital, the pathology lab? Can the Minister confirm that no other department, other than Infrastructure, are planning on outsourcing or privatising their activities?

Senator I.J. Gorst:

Deputy Southern - with respect to Deputy Higgins - did not ask me that, he asked me about incorporation of services in a fundamentally different ...

Deputy M.R. Higgins:

I mean both.

The Deputy Bailiff:

Please do not interrupt the Chief Minister. Chief Minister, please continue with your answer.

Senator I.J. Gorst:

I was endeavouring to answer the question he asked rather than what he thought he had asked. Equally, every department is looking at various bits of their department and see how they could deliver it differently and more efficiently and more cost effectively. But as I have answered questions in this Assembly before, we are not doing it in an ideological way, and no doubt we are going to come and talk about this during the outsourcing debate. This is not about ideology, this is about trying to deliver the best service we can at the lowest cost that we can, therefore, delivering value to the taxpayer. Therefore, it has got to be right that departments are considering outsourcing for various small elements of their service provision. But the ones currently being worked on are the Department of Infrastructure, and of course in my own department, I.T. (Information Technology).

5.6 Deputy S.Y. Mézec:

This follows on from the question that Deputy Southern asked, which he did not feel he got a proper answer to. His question was about which departments are looking at incorporation, aside from the Infrastructure Department, so could he confirm which department, if any, are currently looking at an incorporation model? The 2 big departments that I am interested to know are Education and Health; what about them?

Senator I.J. Gorst:

I thought I had been clear in answering my question saying that it was the Department for Infrastructure. I would have expected Members to realise, therefore, by default that other departments were not.

5.6.1 Deputy S.Y. Mézec:

Just to confirm then that the Education Department and the Health Department are not looking at being incorporated in future?

Senator I.J. Gorst:

If they are they are doing it extremely confidentially so that even I am not aware of it.

5.7 Deputy J.M. Maçon:

In question 6, the Chief Minister's response to a question by Deputy Higgins, when looked at the numbers regarding the amount of licences given to construction workers, does the Chief Minister think that we are doing enough with regards to providing apprenticeships for our young people given the figures in the answer?

Senator I.J. Gorst:

The reality is we can always do more with apprenticeships, the difficulty is the economic cycle and trying to upstream the apprentice opportunities in advance of the need in the economy. The Education Department, together with the Back to Work team, have done a lot of work and are producing apprenticeships, but construction companies are still finding that they need to employ further above that apprenticeship work. We have got some good examples in the apprenticeship sector whether they themselves are co-ordinating with Education and the Back to Work team and financially supporting apprenticeships, and we have got others that perhaps are not working so well and we need to engage with them and ensure that they are all meeting the same high standard.

5.7.1 Deputy J.M. Maçon:

A supplementary. In that case, does the Minister think that when H.A.W.A.G. (Housing and Work Advisory Group) meet that an even greater emphasis on providing apprenticeships when licences are approved should be considered?

Senator I.J. Gorst:

I think they are already doing it and if the Deputy cares to look behind him he will see that one of the Ministers who sits on that group is pushing for more and more apprenticeships all the time when people are asking for licences in this particular sector and in other sectors as well.

5.8 Deputy A.D. Lewis:

I have just had a note in from a careers teachers who is now reluctant to push university too hard to students because he gets them coming to see him after lessons worried about funding. He is not wanting to push it as it causes so much stress to students and he does not say anything about it because they do not also want to upset their parents. Is the Chief Minister concerned that in the absence of any adequate funding and loans and grants that we will end up with a whole lost generation of graduates to Jersey who will no longer be able to input into our economy and achieve what we want to with our economy with the lack of education attainment at graduate level that our economy desperately needs now and in the future?

Deputy I.J. Gorst:

I could give a very quick answer to that and the answer is yes, I am. The Assistant Minister alluded to in his answers to the Deputy earlier. We have had a report issued by the Education Department, I want to work with them now and with Treasury in the short term to try and find extra resources to alleviate some of the short term pressures that families are experiencing so that we can work on longer term solutions, some of which are detailed in the report that the Minister for Education has produced and some of it other Members have given support for in increasing the number of degree options available on Island.

5.9 Deputy M. Tadier:

Does the Minister agree that, as has been recently demonstrated by the whole debacle with the States of Jersey Development Company who refused and were fighting the Scrutiny Panel, that one of the risks of setting up quangos and incorporating departments or parts of departments is that comes at the cost of democratic accountability. Does the Chief Minister share those concerns?

Deputy I.J. Gorst:

I do not agree with the analysis that it comes with a cost of democratic accountability because this Assembly democratically agreed to set up those corporatised bodies. What I think it does show is that some of our policies and procedures were not fully thought through, particularly with regard to bodies like the States of Jersey Development Company where they would be entering into extremely commercially sensitive agreements. What this has done is shown that we need to make sure that those policies and procedures enable a functioning relationship between Scrutiny and those bodies. I believe that the ruling of P.P.C. (Privileges and Procedures Committee) has now led us to that point and, equally, I look forward to working with Scrutiny on their new code for Scrutiny and the Executive, which I know that they are in the final stages of producing.

[11:30]

5.9.1 Deputy M. Tadier:

I do not know whether to use a supplementary to try and unpick the flawed logic of the Chief Minister which says that so long as we democratically vote to set up mechanisms which are democratically unaccountable that is okay. But I will not clearly, because we could be here all day. Does the Minister share ...

The Deputy Bailiff:

No, we will be here for another 20 seconds. **[Laughter]**

Deputy M. Tadier:

Does the Minister share my concerns that commercial sensitivity is increasingly being used as an excuse not to give information which would have previously been afforded to both the public and scrutiny panels and the rest of the Assembly? That is probably the 20 seconds.

PUBLIC BUSINESS

6. Outsourcing (P.29/2016)

The Deputy Bailiff:

I am afraid the time has elapsed for the questions to this Minister. There being nothing under J and K we move on to Public Business. The first item of Public Business is the proposition P.29/2016 lodged by Deputy Southern of St. Helier and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Council of Ministers to bring any scheme to cease, reduce or outsource any public service for which a Minister is responsible to the States for approval, accompanied by the full analysis of the business, social and economic case whenever the scheme involves the compulsory redundancy of 12 or more employees.

6.1 Deputy G.P. Southern:

The Chief Minister was just saying that proposals that his Council of Ministers have come forward with are not ideological, but they do, I believe, ignore a critical issue which this particular proposition addresses. That is the question of sovereignty. Who governs this Island? Is it this Assembly, as I believe, or is it the Council of Ministers? Is it the States Employment Board? Is it the Chief Minister? No, sovereignty remains with this House. I point out that this is a most moderate proposal. It does not address the issue of outsourcing directly, it does not say thou shalt not outsource, nor does it say thou shalt outsource. It says under certain circumstances you must bring outsourcing proposals and the redundancies attached to them to this House for a decision.

Not the States Employment Board meeting behind closed doors; not the Chief Minister or the Council of Ministers meeting behind closed doors with 'Part B' minutes being taken, but to this House in particular circumstances. Those circumstances is where you have got a large number, 12 or more, employees of the States subject to compulsory redundancy, so only in those circumstances. Not one or 2 there, that is negotiable, that is not a problem, but anything more than 12, so a large scale redundancy must come back to the House. Why? Because this House needs to see that the proposal for such a large number of redundancies and the subsequent outsourcing makes sense, it makes sense in a business sense, there must be a business plan attached to it which basically says: "This is an immediate cost of X but we are saving Y year on year and, therefore, it makes sense as a business." But also the economic impact, what is the economic impact of these large scale redundancies on the economy, on our tax revenues, on our income support bill, on our contributions to Social Security? Because for every action like this there is an impact and that must be carefully analysed for what the impact is. That comes to this House and if it makes sense we say to the Minister: "Go ahead, not a problem." If it does not make sense, if we have worries about what its impact will be then this House, quite rightly, says: "Woah, stop, we do not wish you to do this, it does not make sense." I believe that is a perfectly logical position to hold. I remind Members what we do in this House, by and large we pass propositions and those propositions are worded correctly and are specific. We do not pass reports that are attached to the propositions because that is too vague and woolly. When we come to a massive project like the M.T.F.P. what we pass is the bottom line, departmental spends as over, in this case, a 4-year plan. We did not even pass the detail for the last 3 years on this particular M.T.F.P., we passed the general bottom line. So the States were asked whether they are of opinion to receive the draft Medium Term Financial Plan 2016 - 2019 and to approve Summary Table B, Summary Table C. Nowhere - as I point out in my report - was there mention of outsourcing. There was mention of redundancies and every time it was about reducing the number of compulsory redundancies and, wherever possible, employing voluntary redundancy. That is what we passed and is in the report, but no mention of outsourcing, nor indeed specifically of redundancies. Yet what we have is Ministers saying: "If I want to make redundancies, if I want to outsource, I do not have to come back to this House and tell you anything about it apart from in a press release." Which increasingly we seem to read before we get the ministerial statement. That was made very clear. As I point out in my report, there was a lively little debate between the Constable of St. John - who is always good value for money - and the Minister for Infrastructure. The Constable of St. John said, the question was: "Will you come back to this Assembly before outsourcing projects rather than individuals being laid off or whatever; the principle of outsourcing, will it come back to this Assembly or not?" Deputy Noel said: "We are here to provide public services on the Island in the most efficient way. It does not need for any department to come back to this Assembly if they decide to outsource those services." The Constable then says: "I take that as the answer is no." Questioned later the Chief Minister followed that up with the following statement: "The delivery and structure of services are operational matters for departments working with respective Ministers under the oversight of the States Employment Board." The delivery of services is not the same as the laying off of a number of workers. It is not redundancy proposals. Redundancy proposals, if they affect more than 12 people, I believe should come back to the House and that principle I believe is one we have long stuck by in this House. My report goes into some of the aspects that it is worth looking at when it comes to an impact assessment. It is not just a saving of money, it cannot ever just be the saving of money, it is always more than that. The overall impact, for example, on the economy, on income support, for example. If you make, let us say, 50 people redundant and if - as in the case of the proposal which looks like it is going to come to us later in the year from Infrastructure - they are by and large fairly mature workers who have been with the States for a number of years - 20 years plus - they are in their 50s, what will the impact on their family life, on their earning capacity be? How easy is it to redeploy or re-employ 50 year-olds to find work? The Minister for Social

Security, if I just turn around to her, I am sure will confirm that, that 50 year-olds, 55 year-olds, are one of the most difficult groups to find work for and, therefore, may well be on income support in their various circumstances for some time. A very difficult task. We are talking there about up to over £1 million annually in income support as an increase in the bill. We are talking about a reduction in the amount of tax paid, not particularly significant but nonetheless. We are talking about an increase in supplementation, if these people are out of work contributions need to be paid. If they are in work what are we talking about? We are talking about the beginning, in these particular cases, of the race to the bottom. What is a single factor that enables a private company to come in and underbid a department for a particular contract? The single most important factor is the labour cost. If your terms and conditions are extremely reduced from what you are used to as a States worker, down to close to the minimum wage, then your standard of life, the demands you will need for benefit will go up. Supplementation will go up. That is the reality of what we are talking about here. When the Minister talks about a saving, in one particular example, of £160,000 down to £90,000, what one has to examine is what wages, what terms and conditions are being paid in order to generate that saving. Then what consequence does that have on those families, and the rest of society, and the economy, as a consequence? The answer is a very dangerous one. It drags the economy down. Now, for those of you who are optimists perhaps you are thinking: "Maybe we are just seeing the first green shoots of recovery." I look around the room and I do not see people nodding. I think we know that the recovery is not there. The worldwide situation, the European situation, all sorts of factors are saying our productivity is not going through the roof, it is not happening, the recession is with us. What does taking, let us say, 50 workers out of the economy do? It produces a drag effect, it is the downward spiral. Paying them a minimum wage where they used to have decent terms and conditions drags the economy down, that is the reality. The private sector is not going to take off wonderfully in the near future. The banking sector is still sitting there, it is flat-lining effectively, there have been some increase in revenues. Here we come down to the basic problem, the £145 million that we have to make up for in the next 4 years, sole motivation: saving some money on the backs of the workers, on their terms and conditions. That is the reality. Is this a wise thing to do? I am suggesting it is not. Unless of course we have got a categorical assurance from the Chief Minister that he will stick with our agreements over outsourcing with the unions from back in the day when we passed it in the States, the year 2000. It is still there. This is our agreement between the States and the unions and the employees.

[11:45]

It says back in 2000 - it is P.59/1999: "To agree in principle to adopt, subject to the safeguards listed in paragraphs 17 and 20 of the report dated 4th May 1999 of the Policy and Resources Committee, the policy of outsourcing as one of the means to be used to help achieve the States Population Policy, as set out in the Strategic Policy Review and Action Plan 1997 and adopted by the States on 5th November of that year." So an agreement including paragraphs 17 and 20. What does paragraph 17 of our agreement with the unions say: "In consulting with the employees' representatives it has been made clear that fundamental to any outsourcing policy is the need for safeguards. Where outsourcing affects existing public sector employees specific safeguards, possibly in the form of a service level agreement developed in consultation with the employees' representatives, should cover such issues as equity, standardisation of wages, job security, security of tenure, health and safety, terms and conditions of service and the employment of local labour." That is our agreement. Is that what we talk about today when we talk about outsourcing? No, we do not. We are talking about a tender or tenders coming in from the private sector which reduce the cost to the department, and that is the sole motivation. That reduction is achieved on the terms and conditions of service of those workers delivering the service. That is the reality. Have we got that agreement? Is that what we are going for? If it is then all well and good, if it is not then we should be exercising our right as an Assembly to put those safeguards in so that we examine the business

plan, the economic impact plan, the social impacts of any large-scale redundancy. That is the case. I think it is a perfectly reasonable position to take and I believe that substituting that for this scheme that the Chief Minister is advocating whereby we form a sub-group of the States Employment Board, which apparently I was invited to sit on, as if it means something significant; I turned it down, of course. I point out that it is the very first time in 14 years a Chief Minister asked me to come and see him to talk about one of my propositions; it indicates to me that his motivation, while it might be benign, was probably more likely that he thought: "This is a reasonable proposition; I am going to oppose it but I might lose this proposition." I might get this through. That is true motivation, which we will find out perhaps when he speaks to us. To suggest that the States Employment Board is the body in which we should have our faith is to deny reality. We have got a dispute with the manual workers, we have got the start of a dispute with the teachers, they have taken an indicative ballot, we have still got a fight on, I think, for the nurses who have just had their pay agreement imposed on them. To suggest we should put our faith in the States Employment Board is to deny reality. We have got a crisis in our relations with the unions. I believe this is the right way to go, that this puts in the safeguards required and is an appropriate and moderate way forward. I maintain the proposition, Sir.

The Deputy Bailiff:

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

6.1.1 Connétable M.P.S. Le Troquer of St. Martin:

I am not sure if I should speak, or am indeed able to speak as one of the non-ministerial members of the States Employment Board. While accepting Deputy Southern's concerns for those members of staff who may be losing their jobs in the future by compulsory redundancy, I think we all do. I do not think there is anybody in this Assembly who is not concerned about our employees. [**Approbation**] However, I see the proposition is of the type, or not quite, of a no-confidence vote against the Council of Ministers, against the States Employment Board and, in this case, against the Minister for the Department of Infrastructure, Deputy Noel. Depending on the outcome of this debate it could be that members of S.E.B. (States Employment Board) should resign, except that might create an issue with the positions of the 3 ministerial members of the S.E.B. who have to be there in any case. The Deputy is rightly concerned and I think we are all anxious, as I have just said, and uncomfortable with redundancies, and there are a number of assumptions in the Deputy's proposition. I am sure there is little else that he could have done to calculate the figures without having to put assumptions into his report. It also explains why he feels so strongly and it allows us all to have a little bit of lateral thinking. Assumptions as to how many may be made redundant, assumptions as to how long people may be unemployed, assumptions as to the grades affected, the tax lost by Treasury, income support paid out, but also social security contributions paid in and even assumptions of possible minimum wage to those re-employed. Where the Deputy hits a point, and the S.E.B. response tries to address, it is the uncertainty for the future to the existing staff being re-employed by a new successful contractor. As a member of S.E.B. I would still insist that opportunities are given to those members of the existing staff to be re-employed by those who tender, and I would be seeking assurances from the Minister. It may be a bit of a different issue but I am not sure how many of the Connex staff were re-employed by Liberty - and that is no criticism of Liberty because I think they offer an excellent service; same thing with Jersey Tourism, how many were re-employed? I am lucky and I have finally paid off my mortgage, but I do think of the middle-aged man and his family trying to pay off theirs and the job suddenly goes and the uncertainty of finding another job so that the monthly payments can be made. It is a very anxious time for all of them. Today I think the proposition is about something different: having the Council of Ministers to come back to this Assembly every time a scheme is proposed to try and achieve progress while we continue to seek to balance our accounts when we are trying to re-invest in

education, in health, in the economy and of course in St. Helier. We already have a process through S.E.B. working together with the unions and with the staff members themselves. Worse still, what happens when the Minister is considering compulsory redundancies for 12 or more members of staff: marches in towns, campaigns, petitions, before it is brought back to this Assembly for debate? The Assembly sees the results of those petitions, refuses a scheme and the proposes redundancies, so we therefore have to find new savings, maybe to increase tax, increase G.S.T. (Goods and Services Tax), remove a different benefit from other people who are receiving benefits. Then we have more petitions and marches through town against those campaigns as well. The Deputy will know more than myself, I did not go to the Assembly because it was a Parish Assembly in St. Helier, but I am not sure he has the full support of the electorate; 51 people out of 18,500 people. They could not have missed the advert because there was a full page as well as a *Gazette* notice. I think it is about a third of 1 per cent of people that came to that Assembly. Looking at the wording of the Deputy's proposition, as a Minister - and that is not going to happen - but I can see how it might occur in a Parish, if I had 12 staff on our Parish then I would probably aim for 10 or 11 members of staff, look at my voluntary redundancies, sadly maybe deaths, retirements and transfers, as happens in the States, to other departments. Then you would just make 10 or 11 redundant and it would not have to come back to this Assembly; not devious but just trying to move forward. Like the planning applications process, we already have a process in place. I believe removing the current process that we have today would open up every decision that a Minister - any Minister - makes regarding staffing and it is going to tie his or her hands for all such decisions that they have to make. I accept decisions have been made, and the Deputy referred to it, with S.E.B. regarding the sub-group of the Constable of St. Mary and I, together with 2 other members of this Assembly. I am not sure that is the right way forward; I do have reservations about it. Some may see it as the addition of a new Scrutiny Panel and I am unsure how that process would work. However, I am prepared to be part of that and the way forward to try it, test it and see. What I do not want to see is yet another forum that will just delay progress yet again; delay us, delay the employer moving forward, or the forming of a sub-group that comes up with a decision, where questions are rejected by Members of this Assembly anyway. Where would we stop? So in conclusion, I am sorry, I will not be supporting the proposition today. If the Deputy's proposition is rejected then of course all eyes will be on the States Employment Board, at the moment on the Minister for Infrastructure and his department, but other Ministers in due course. Finally, I think people will be looking at bullet point 3 of the S.E.B. comments paper, in particular the second bullet point, as to the promises made in relation to how many compulsory redundancy staff are to be re-employed by any new outsider contractors.

6.1.2 Senator A.J.H. Maclean:

I have listened with interest to Deputy Southern's speech and I am sure Members of this Assembly will have sympathy with some of the points that he clearly raised. The staff that we have in the public sector are exemplary in the public service that they deliver and it is absolutely right and proper that our staff are looked after appropriately. The first point that I would make with regard to this proposition in particular is that outsourcing is not new to our public sector. It has happened in a number of departments over the years and I will give an example to members. Jersey Tourism, which had 20 staff, was effectively outsourced when Visit Jersey was created in 2015 as part of service redesign. That decision did not require, nor did it seek, a States decision; it was effectively an operational matter. All 20 Jersey Tourism staff jobs were put at risk at the time and, following a process, 7 were eventually successful in applying for roles in the new Visit Jersey. In addition, 2 were redeployed in the States, 3 got fixed term contracts but 8 were made redundant, 6 through voluntary redundancy and 2 I believe through compulsory redundancy. The fundamental principle is that all States departments should continually review the services that they deliver and consider whether that service could be delivered in a different way that is more efficient and more cost-

effective. That is, of course, an ongoing process but forms a key part of the Medium Term Financial Plan. It is exactly the driver behind the Department for Infrastructure plans that the Council of Ministers fully supports. It is exactly what Islanders and taxpayers expect; that every function of government represents value for money. That is, of course, not currently the case. There are still areas of waste and inefficiency but there is a tremendous amount of work being undertaken in order to resolve that issue. It is indeed at the very heart of the public sector reform programme and, of course, the M.T.F.P. This proposition before Members today proposes that some States employees should be seen as, effectively, a special case. Why does the proposition, for example, choose 12 or more employees? Is it 12 per department or is it 12 per section or is it 12 per function? It is not made clear. Is this number 12 fair and, if so, why? Why not choose 8, 10 or perhaps 20, as was in the case of Jersey Tourism. When considering this proposition, Members should perhaps also reflect on whether it is seeking a decision on a matter of policy or detail. If policy, outsourcing is already happening and has happened in a number of cases over a number of years, including the recent example of Jersey Tourism that I mentioned a moment ago. In that respect alone this position is perhaps not only too late but, arguably, unnecessary, as has been demonstrated through the previous successful outsourcing exercises. If the proposition is about detail, is this not something that should be done at departmental level? It is, after all, effectively an operational matter.

[12:00]

Why limit the ability for the public sector to reform in a timely fashion by requiring a States debate prior to virtually any meaningful operational change? Ministers and this Assembly should focus on matters of policy and hold officers to account for delivering on that policy, as is the case with most other governments. In the case of the Department for Infrastructure, if this proposition were approved, would they be able to put forward their case in a public forum where there are elements about staff and about comparisons with the private sector, some of which may be commercially confidential? Why would private companies, for that matter, bother tendering for such contracts, committing time and resources, when the outcome would not be based on performance but on an uncertain time-consuming political process? This would, of course, severely limit the options with regard to outsourcing and perhaps that is at the heart of this proposition. We are trying to streamline and simplify government. There are good reasons why the matters regarding staff do not go before this Assembly and are dealt with by the States Employment Board; this Assembly is not an appropriate forum for dealing with staff matters. Deputy Southern has not provided us with any instances of where he can demonstrate the process has not been fair or where the case for more efficient, better value outsource services has not been made. Why is the Department for Infrastructure, and other departments, proposing such changes? Our society is changing and of course ageing, with over-65s nearly doubling by 2035 and over-85s tripling. An ageing society, as we all know, is costly and requires investment. To make sure we can afford those things we need to grow our economy to effectively increase our income line and we need to reduce costs in some areas so that we can invest in others. We are streamlining processes, creating a more digital public sector, looking hard at what services we prioritise and what services we need to reduce, outsource or stop so that we can use these savings to fund our priority areas, such as health and education, as mentioned on many occasions. We made these options abundantly clear in the Medium Term Financial Plan debate last year and on numerous public occasions since then. We have made it clear that there is £70 million of people-savings in the M.T.F.P. and that these include voluntary redundancy and, where necessary, compulsory redundancy. This is not easy but it is necessary because if we do not succeed in delivering efficiencies and cutting costs then the alternative options would mostly likely include less palatable options such as fees, charges, taxes and such like. That would not be in the long-term interests of the Island, Islanders, jobs or the economy. We cannot pass deficits or unsustainable public finances on to future generations. The Fiscal Policy Panel

supported this refocusing and reprioritising of expenditure that was contained in the M.T.F.P. 2016 to 2019. We have already started and saw a near 4 per cent reduction in the size of the public sector last year through voluntary redundancy, constraining recruitment and the vacancy management process. We will outline in the Medium Term Financial Plan Addition 2017 to 2019 the proper detail for the coming 3 years, including outsourcing services, relying on the expertise and efficiency that the private sector can bring in some areas where it is appropriate. The overall M.T.F.P. Addition package is subject to a distributional analysis, the Fiscal Policy Panel will report on its alignment with economic objectives and it will be subject to scrutiny, debate and, of course, amendment. The States Employment Board as the employer and, as elected by this Assembly, will then act on our behalf, seeking to ensure we look after our staff and remain a good employer. This approach will mean that financial, economic and employment decisions are not made in isolation but as a package with clear choices properly evaluated and within robust structures. We cannot simply point to one decision and say that will result in people losing their jobs independent of all other decisions that we are taking. That is why this Assembly should not act as the employer and approve individual schemes as and when they are ready, as suggested in this proposition. Instead, we need to look at the overall fiscal and economic impact of our decisions in this context. The overall Medium Term Financial Plan does not reduce the amount we spend as a public sector in cash terms, it increases spend over the life of the M.T.F.P. by about 1 per cent. Following external economic advice we are setting out a plan - including investment - that will deliver balanced budgets by 2019. So we save in some areas so we can spend in others; the priorities that have previously been mentioned. We cannot make simple assumptions about redundancy and income support costs. We will try to minimise redundancy, we will help people into work; we are growing and seeing the private sector grow. We have a good track record of this through, for example, Back to Work, and the economy experienced record employment growth in 2015, that is 1,500-plus new jobs created in that year alone. We have seen unemployment reducing over recent years, although we will continue to do more in this area, and we have seen earnings rise above employment, for example, real improvements in standards of living. This is a better time for staff to be leaving the public sector for those that have to or choose to. They will have opportunities for employment in the private sector as it grows. We will need to make sure as many people benefit from this as possible. We are also continuing to grow and diversify our economy so it becomes more productive, competitive, innovative and technology-driven, generating the taxes we need to pay for our essential services. We are investing in education as well to provide a workforce for the future, genuinely improving standards. Unlike most other governments, we are developing a long-term plan for our future. This is how we provide a fiscal and economic climate that continues to deliver the jobs and the investment. Improving the efficiency of the public sector and delivering services Islanders expect in a cost-effective way is a critical part of the plan. I therefore urge Members to reject this proposition, to allow the States Employment Board to carry on with its work and departments to also carry on in delivering the policies that have been set to ensure that we have a long-term sustainable future.

6.1.3 Deputy P.D. McLinton:

Firstly, I would like to wholeheartedly agree with Deputy Southern, who always forgets my name and has to ask; he always forgets everybody's name, I hear. Firstly, I agree that as a corporate parent we have an absolute duty of care to every citizen on this Island to create an environment of health and well-being and to create an environment where meaningful work is available to all, so I wholeheartedly agree with that point. We also have a duty of care for the money of people in this Island; it is their money, it is not ours, and we must spend it the best that we can. They would want us, surely, to have a decent and efficient system where we spend their money as well as we could. It is our duty to do that. What I am concerned about - and this concerns me greatly - is that again the Deputy, I forget his name, was offered an opportunity to speak to the Chief Minister and instead

of taking the opportunity to speak to the Chief Minister, and maybe maintaining his cynicism in the whole thing, decides: "Oh, we have got him on the back foot now and of course I did not turn up to the meeting."

Deputy G.P. Southern:

Would the Deputy give way? I met with the Chief Minister twice; I was invited twice, I met with him twice and I had discussions about what I was proposing and what the alternatives might have been. I was there.

Deputy P.D. McLinton:

My humble apologies, I must have misheard that, I beg your pardon. I shall pay more attention next time. Again, maybe this is not the case, but the actual ability to talk to each other outside this Assembly is a very, very, very important one and, to be totally honest, there is too much mud-slinging goes on in here which could be solved outside. I only took the opportunity recently to meet with the Minister for Environment to talk something through, which would so easily be blown out of all proportion to get some headlines, but it is much better to talk and to accept. So notwithstanding that, my concern is that this Assembly is being asked to be turned into some sort of glorified H.R. Department, and it is not our remit to get into the granular detail of policy. I cannot for the life of me see why we cannot allow a sub-group of S.E.B., an advisory panel, to be formed to talk it through, to come to this Assembly to discuss what they have discovered so that we can make some decisions. Next we will be discussing the amount of parking fines people have, the policy details of how much toilet paper is involved; we have not got the time and it is not our remit to get into the granular detail. We are here to govern the Island not the policy of this Island. That makes complete sense to me; I hope it does to many of you. I ask that you reject this proposition.

6.1.4 Deputy M. Tadier:

I have decided to speak early, perhaps against my normal better judgment, because I think this debate risks going in the wrong direction. What we have here essentially is a very reasonable proposition by Deputy Southern. He has stated that the Council of Ministers say their approach is not ideological, nor is Deputy Southern's, nor indeed is our Party in this matter. If it were, we would simply bring a proposition saying: "We do not want outsourcing to happen ever" that it should all be maintained in public services and that we should protect the jobs at all costs and that no change should happen. Clearly, we are not asking for that. We live in the real world, Deputy Southern lives in the real world; more importantly, the workers live in the real world; they know that change needs to happen, they know that they want it to happen with their consent with proper and open dialogue, and that is the only way that changes can happen. Moreover, there is public concern about the way that this Council of Ministers increasingly is going in the running of our Island. I think part of it is not necessarily entirely their fault because it is structural in terms of the democratic mechanisms we have in the Island. Remember, we are in a transitional stage, I believe, in terms of the position of this Assembly and the Government of the Island; it used to be the case in the past that all decisions were made, at least ostensibly, at least on the surface looking in, around a committee system. There would be lots of people discussing things, often behind closed doors, and then ultimately those positions would come to the Assembly for the decision. Now, nothing has technically changed apart from the fact that we are moving towards a full ministerial system, but we are not there yet because this Council of Ministers, and possibly the next one, will not have a future mandate because they did not stand as the Jersey Tory Party or the Jersey Progressive Party, whatever they might have been called, saying: "We want to eliminate the £145 million structural deficit." Because they did not tell anyone about it, that is the first point, and they did not say: "And the way we are going to do that is not by cutting down at the top, we are not going to cut down on

those who take jollies to South Africa and who basically takes the proverbial”, that is the kind of language they would use on the street, Sir ...

The Deputy Bailiff:

Possibly, Deputy, but it is not the kind of language we use in the Assembly. I wonder if you can withdraw that please.

Deputy M. Tadier:

Thank you, Sir. I will use that as a direction from the Chair.

The Deputy Bailiff:

Are you asking for a point of order, Senator?

Senator L.J. Farnham:

Well, Sir, I just wanted to remind the Deputy that nobody from my department takes jollies anywhere.

The Deputy Bailiff:

Please stop, Senator. If I speak then you should stop speaking until I have indicated what I wish to say. Members can intervene and ask another Member to give way. If that Member agrees to give way they can seek a point of clarification on the Member’s speech or give a point of clarification on their speech. Aside from that, it is inappropriate to stand and to intervene at this point. You will have the opportunity to speak later, of course, in the debate if you wish to.

Deputy M. Tadier:

Thank you, Sir, and I take this direction and the interruption to take some breath and perhaps get this back on track. I do look forward to the Minister for Economic Development, Tourism, Sport and Culture trying to defend publicly in this forum the fact that people in the senior parts of his department, completely unbeknown to him and, it seems, to the Council of Ministers, were using taxpayers’ money to travel first class halfway round the world, saying that they needed to get there early to play golf then not playing golf with anyone apart from themselves and claiming the air miles for that. At the same time this Government is telling people on the front line, the people who brush our streets, who clean our toilets, who do the roads, who tend the gardens, whether that be in Sir Winston Churchill Park or in Howard Davis Park, that they are going to be facing redundancies, uncertainty, and the fact that these kind of issues should not come to the Assembly because they are granular.

[12:15]

Now, what kind of world are we living in when it is okay to discuss what might seem like trivial issues, and they could be in 4 weeks’ time, in 6 weeks’ time, issues to do with whether cats who get run over need to be reported to the police. That is granular, but it is still important for many individuals who find themselves in this situation. I do not think we can allow this debate to go down the line that the Assembly should not be making decisions which are very minute and trite ministerial decisions, *et cetera*. The whole point is decisions of this kind of magnitude should not be made or left to ministerial decisions, or simply to the States Employment Board. Because what we should be asking them to do, or the Minister to do, is to come back to the Assembly with the full packages, with the figures and say to us: “This is what I am proposing. It has been to the States Employment Board, they have discussed it and we are proposing X, Y and Z.” We should be saying: “Okay, some of us might agree that certain jobs should be outsourced, certain jobs should maybe be offered to the Parishes”, as has, I believe, already been the case in the administration of some of our parks, and that they might still be pursuing that. That is all fine, but we need to know

what is going to happen to these people on the ground, our parishioners and our constituents. This is not the kind of thing that does not merit a States debate, this is exactly the kind of thing that people voted us to do, make these tough decisions, not simply that we vote for a Council of Ministers who come and make decisions which we have no real control over, and then say: "It is not our problem because it is the States Employment Board who made these decisions." Come the next election we can just say: "Sorry, it is not my decision, we cannot have an effect." So people like Deputy Southern, or whoever brings these kinds of propositions to the Assembly, should be fully supported. I do speak from an area of passion because I come from a family who have a history in public service. My parents and my brothers, for example, have worked for the States, they have also worked in the private sector. I know for a fact they and their colleagues have done great work when it comes to maintaining our roads, our toilets, our parks, *et cetera*. I think the consensus that I am getting from the majority of people across the political spectrum in the Island is that they are worried that, first of all, it is going to lead to a diminution of quality in the parks, *et cetera*, but moreover, why are we going to be putting people in precarious situations where their wages are going down, perhaps the amount of hours that they have to work is going up and that in the long term nobody is benefiting from this? I think this proposition is entirely sound, it is just asking that when the Minister at some point has got a package of things that he wants to do to the Assembly he can bring it there. It may well mean, as the Constable of St. Martin has said ... and I think he normally gives a very compelling speech, one from the heart; I think on this occasion I felt that his heart was not in it. Whether that is because he is a member of the S.E.B., I would hope that he could look at this in the round and think that it is the correct and wise thing to do and that once the package has been put in place it is brought back to the Assembly. It may well be that we have to make tough decisions and say: "Yes, in this instance we will outsource subject to certain criteria and safeguards, but we really want you to keep this particular service provision within States ownership because it is too critical for whatever area of our economy and our society. We do not want you to do that." It might mean of course, as Senator Maclean said, that we have to introduce fees, charges and other taxes but which world are we living in? This is what the Council of Ministers is telling us needs to happen anyway. We have the Health Department saying that they are going to introduce some kind of health charge. We have the Minister for Infrastructure saying that he is going to introduce charges anyway for waste disposal. They are not telling us what they are, they did not tell us about them before the last election, so these things are happening anyway and we will not know about them unless we ask the Ministers to come back to the Assembly to give these kinds of decision to us rather than leaving it to them and leaving it to chance because it will be a done deal. By the time we get to the point of all these incremental changes, they will just turn around and say: "Well, the work has been done there. If you do not like it, I am afraid there is nothing you can do about it." It really does demonstrate the fact that there is increasingly a disconnect between what the States are doing, the outsourcing, the quangos, *et cetera*, and the services that we are providing to the people. I do apologise to Members if on occasion this speech has been slightly rambling, if it has been perhaps passionate, but I do feel quite strongly about this and I do not think it is right for certain individuals in the Assembly to take us down the rabbit hole saying that these issues are not for the Assembly to discuss. We are not yet at the point where we are a party-political system where we have a Government that dictates to the rest of the Island and the Assembly what they want to do and whether they can push through these kinds of packages. They do not have the mandate to do it. I think this is an opportunity for us to take a breath, to look at which direction we are going in in the Island. I would encourage Ministers to bring more things to the Assembly, not fewer, because it is a better way to do these kinds of things.

6.1.5 Senator P.M. Bailhache:

I would like to make a point which may appear to be technical but which I think is really quite an important constitutional point. Deputy Southern said that: "Sovereignty remains with this House",

by which I think he meant the Assembly, and he said there is a principle that more than 12 redundancies must come to the House. There is no such principle in this context. Deputy McLinton said that we may have some quasi-parental duty of care towards the public, but that does not mean that we have to do what the Deputy invites us to do in his proposition. When ministerial government was introduced in 2005 the question arose of which body should succeed to the then Establishment Committee, which was the employer of civil servants and all public employees. Some Members did not want to see the Government of Jersey, the Council of Ministers, taking over the role of the employer and so it was agreed that a body would be constituted which would form a quasi-partnership between the Government and the Legislature, the States. That body is the States Employment Board, composed of 3 Ministers and 2 Members of this Assembly. The S.E.B. is the employer, and I would say that it is a good employer. It has published policies which are fair and up-to-date, it keeps those policies under review. It will not make any employee redundant except as a very last resort and after every other conceivable option has been explored. That is what the S.E.B. does and that, frankly, I think, is what the Assembly wants the S.E.B. to do. What would happen if this proposition is adopted? The responsibility of the S.E.B. would in part be transferred to this Assembly; there would be a confusion as to who was responsible, in some respects, for employment decisions in relation to certain employees. This Assembly is at its worst when it turns itself into a planning authority and tries to do what the Planning Applications Panel has a statutory duty to do. It is at its worst when it turns itself into a body of traffic experts when a Minister, or previously a committee, came to the Assembly in order to turn a road into a one-way road. The job of this Assembly is to be a Legislature and, as Deputy Tadier said, in a non-party political environment such as we have, it has a task also to set strategic policy. This proposition of Deputy Southern is not strategic policy; it would muddle up and confuse the functions of this Legislature and the States Employment Board and that would not be in the interests of our employees. I ask Members to reject the proposition.

6.1.6 Senator Z.A. Cameron:

I will be voting for this proposition. Public sector reforms that entail the redundancy of 12 or more public sector employees that seem to disproportionately be affecting the front line have no evidence base. There is no evidence base that the doctor-patient relationship or hands-on nursing care can be replaced by expensive bits of technology; we need only to look at the U.S.A. (United States of America) and increasingly the U.K., to see that this policy does not lead to sustainable, cost-effective healthcare systems. There is no evidence that outsourcing cleaning and maintenance jobs in parks and gardens leads to better, cheaper services. The commissioning and tendering process itself is expensive and time-consuming. These decisions will impact the lives of all Islanders and responsibility for them should, in my option, lie with all elected Members and be debated in this Assembly.

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

I wanted to speak in this debate, although I must say, I think a lot has been said of what needs to be said. I wanted to speak because of the particular device used by the Jersey Reform Party in bringing the matter to a Parish Assembly before bringing it to the States Assembly. The declared intention of the Party, albeit we are not in a party-political system, but the Party has declared its intention to bring a lot more things to Parish Assemblies and to call them right across the Island. It is perhaps worth mentioning, just in parentheses, that I did offer the Party the opportunity to put the matter on to one of our monthly regular Parish Assemblies, or indeed to hold a public meeting, neither of which would have cost the parishioners of St. Helier a penny. The insistence by the Reform Party on tabling a separate meeting, using what some people call a requete - I thought that was a Guernsey phrase but perhaps it happens in Jersey - cost ratepayers of St. Helier £628. That may not be a lot of money in the grand scheme of things but, if it is going to be done regularly, I

suggest that there may be some opposition from ratepayers to having these meetings called in such a way when most, if not all, Constables, would be willing to put them on to the Parish Assembly agenda anyway. Having said that, this debate is not about whether you support outsourcing or not and, in fact, the mover of the proposition was quite clear about that in his opening speech. So the outcome of this debate should not be viewed by those who look at the votes as: “These Members support outsourcing and these Members do not.” I think with respect to Senator Cameron, her speech was not that relevant because I do not support the outsourcing of front line jobs in the Health Department either; in fact, I do not support the outsourcing of front line jobs in the parks and gardens or street cleaning either. This debate is about whether this Assembly should be the body which decides on who should be outsourced and who should not. I think that is an unfortunate matter for a proposition. It is clearly, I think, going to fail. I think if the Deputy and if the party that he represents wanted to have a debate about outsourcing, that would have been more useful. Indeed, there are political measures that can be followed, political strategies that can be pursued, if one wants to reverse the direction of travel of any particular department. Some people may have a view that the Minister for Infrastructure could do more to fight to keep those essential front line workers in his department; that is not a matter for me, he is the Minister. If I had a real problem with the way he is doing his job then the options are to bring a vote of no confidence in the Minister. I do not think the option is to ask this Assembly, as somebody else said, to become a glorified H.R. Department. I think we need to listen to the concerns of the workers who are concerned about the jobs, we need to talk to the Minister and, if we really do not think he is looking after his staff, then there are means open to us to try and rectify the situation.

Deputy M.R. Higgins:

Sir, can I ask a point of clarification of the previous speaker? He implied that the Reform Party, by calling a Parish Assembly were doing it at great cost to the Parish, something like £690. Can the speaker tell us whether, (1) it was illegal to do so, it may be an old law, but was it illegal to do so; and were they not just exercising the right to democracy, which all Parishes should be doing?

The Deputy Bailiff:

The second is a request for an opinion, not a point of clarification.

The Connétable of St. Helier:

It would be useful if I could correct; the figure was £628 not £690. Thank you.

Deputy S.Y. Mézec:

Sir, can I ask a point of clarification as well? Could the Constable confirm that on the night that this Parish Assembly was being held, there was already a meeting going on at the Town Hall that we were latching to the latter end of and so the room was already set up and ready for that? Would he also confirm that this month’s Parish Assembly is tomorrow and therefore too late for it to come before this debate in the States and that it would have been out of time by the laws of the requete anyway?

[12:30]

The Connétable of St. Helier:

I can confirm there was another Parish meeting; it was an electoral assembly that was advertised by the Committee of Constables. It did not mean that we had to keep staff on for this meeting, which is where the staffing costs come in. The Deputy is right in saying that this month’s Parish Assembly is in fact tomorrow evening and I would have obviously needed to ask that Deputy Southern defer his proposition further to allow the Parish Assembly to hear it in the proper order.

6.1.8 Deputy J.A. Martin of St. Helier:

Yes, so where are we? I have listened to 3 or 4 speakers so far - I do not think many in support - and I am confused because we are now told from the Minister for Treasury and Resources ... we all voted for outsourcing in the debate P.72/2015. He even emphasised the amount: £70 million in staff savings. At the time we were warned by the Corporate Services Panel to take the votes in tranches but we now have the bottom line and really, whatever is coming back is moving the deckchairs around as to into which department. But when I voted for £70 million - I do not think I supported either anyway - did I know that they were all going to be manual workers? Did I think some hired top bods might be going? Maybe I did. I have not seen any so far. Senator Maclean said the time to do this is in an amendment to the M.T.F.P. Well, this in itself is basically an amendment; bring this to the Assembly. In fact, I disagree with Senator Bailhache entirely saying that this is reverse, that things should not come to the Assembly. Things used to come to this Assembly more and more and more and now they are coming less and less and less and Deputy McLinton says that this is not about policy. What will we be doing next? Will we be looking at parking fines? Well, I defy him to talk about people's livelihoods and parking fines in the same breath. It is absolutely outrageous. Absolutely outrageous. I normally do have a lot of ... well, I still do. I must say I do have a lot of time and respect for the Constable of St. Martin. He started off by saying this is a like a vote of no confidence in S.E.B. or the Council of Ministers. No, it is not. It gives us, the Assembly, the right to decide if this is a good proposition, if this is good ... a way to go forward. He said that the Deputy makes too many assumptions. Well, who has the right to do these assumptions? To tell us ... in his actual proposition, the wording is: "The Minister is responsible to the States for approval." Now, this is the main crux: "... accompanied by the full analysis of the business, social and economic case wherever the schemes involve a compulsory redundancy of 12 or more employees." For weeks and weeks and weeks we have questioned in Question Time the Minister for Infrastructure. Unfortunately it is just this Minister mainly because it is a lot of cleaners and parks and gardens workers that are being mooted to be made redundant. We have not heard too many of anybody else. But we have asked what impact, socially and economically, and what talks he has had with Social Security, and neither Minister would assure me, or anyone else in this House, that it was being done. The Minister for Social Security did tell us she thought that not too many people would end up in La Motte Street. How does she make that assumption? Another assumption, I will say to the Constable of St. Martin. The work has not been done. I work ... and I think what the Deputy is trying ... he had to put a number on this. Could it be 12? Could it be 20? That is another thing. I was asked to trust S.E.B. by Senator Bailhache and by the Constable of St. Martin because they are the people independent that are going to see this is done properly, then I am also told by the Constable of St. Martin that maybe if, you know ... there are ways around it. "We could have 10 people in ... make sure it is no more than 10. Do another 2 next year." I did not like that phrasing. I do not want things pulled ... you know, wool pulled over my eyes and we are talking about people's livelihoods. The Constable of St. Martin, I am sorry to pick on him again, absolutely said that the Parish of St. Helier had done something wrong by asking its parishioners on an absolute policy change of outsourcing in general. Now, is that not what most of the Constables should have done? They should have gone to their parishioners and ... see, all these workers do not live in St. Helier. I registered in St. Helier. I would have probably ... I will go with this amendment. I call it an amendment because the way I see this Assembly going is... I know Senator Bailhache and myself will disagree. He thinks we are just a rubber stamp in laws and legislature. I still want a say in big policies that absolutely have an effect on everyday workers' lives. Again, and I will reiterate, Senator Maclean said: "Oh, we have already decided the £140 million and £70 million of that must be staff cuts. It must be staff cuts. Oh, we will have to increase this, that and the other and it is not palatable." Who is it not palatable to? We have not seen these options because it is political. The political Council of Ministers, the political S.E.B. have made decisions. We want £70 million in cuts. You go along and provide it. As for saying we will make sure that the people already doing these jobs will be offered alternative employment in

the private sector basically says: “In particular, having considered employment, application for existing staff ... and meeting a reasonable employer test but it will ... they are not binding.” So, really, they will ask the new employer but, as it says, it is the cart before the horse. The Minister for Infrastructure and other Ministers who are outsourcing have already gone out to tender. They have already got the bottom line so they already have the staff costs in that bottom line in the contract. So if they are going to pay their staff £6.50 or £6.75 or whatever the minimum wage is today, that is what they are going to pay them. It is not probably what they are earning now but I do not know the difference between the 50 or the 100 staff that was going to be made redundant who then might end up not paying tax ... end up down this new place we are going to have down at Social Security, an outplacement service in the Social Security Department. Outplacement service. These people are being sacked, they are being made redundant. Voluntary or compulsory, you can use lovely words, whatever you like. I think it should come to this House. It is a policy change and we should be able to debate and with the facts that only the Ministers can bring, not assumptions like the Deputy has done. Let me see the facts. I am not against outsourcing totally. I think I am quite middle of the road but I will not be told that this cannot be done. It should be done and I hope people will support Deputy Southern. Bring me the facts, Minister. Tell me this will not cost us more down in La Motte Street, will not cost us more in supplementation, will not cost us more and keep people who know the jobs. I mean, gardeners have just flitted to be a parking attendant. Well, who is doing the gardening? I mean, were the people who cannot do parking employed by one of the private gardening companies? We do not know. As you say, services will go down but that is not the bottom ... the bottom line is, Minister, you prove to me that this is a good case. You tell me that these people will not cost the taxpayer more, they will keep the services going, then maybe we can have that debate. That is why you need to support this and do not listen to anybody else. I am elected here to represent the people out there. I am not here to rubberstamp laws or just legislature. I hope you will support Deputy Southern because at the moment I need this information because I have literally ... feel like I am voting on everything ... no, I will not say that. What I was going to say, with my hands being tied behind my back but I have only got one [Laughter] so my other hand, my good hand, I have got no hands at the moment. They are all behind my back and I need the information. Thank you.

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

I would just like to say that I went to the Parish Assembly for St. Helier to listen. Unable to vote, that was not a problem, I went to listen because, as Deputy Martin has already said, I have a lot of parishioners who work in this particular sector and some of them were very worried and kept ringing me and saying: “Constable, we do not know what we are going to do because we are going to lose our home”, or: “We are going to have children that will not be able to continue their education at university.” So I went along with Deputy Kevin Lewis of St. Saviour. I do not know if there were any other Members of the Assembly there except for the St. Helier people themselves, which was very commendable because they are very interested. But I do think everybody needs to think very, very seriously about this because you have in your Parish somewhere parishioners who are going to be very, very badly affected by this. So I am going to support Deputy Southern and, as I say, I went to the meeting with Deputy Kevin Lewis and we saw the reaction of the people that were there. There is no point in saying: “Well, there were not many.” The people were there, representing themselves and their friends, and I think Deputy Southern needs to be supported in this and so do your parishioners.

6.1.10 Deputy S.M. Brée of St. Clement:

I have listened with interest to the various sides of the debate on this matter and to be honest with you, I think that we, as an Assembly, have got ourselves caught up in minutiae. We are not a glorified H.R. Department, this does not ask us to become one but there is a very, very serious

principle at stake and it is not just about outsourcing. We all understand that the States Employment Board is the employer but they are not the policy-makers. The States Employment Board, its actions are directed by Ministers and the Council of Ministers. They direct the States Employment Board; it is not the other way around. The Minister is effectively appointed by this Assembly. We vote on who we wish to be the Minister for each department but it would appear that once they have been appointed by this Assembly, they seem to believe they are only answerable to the Council of Ministers, not this Assembly and most certainly not the public of this Island. We have heard that government is about delivering value for money but that is not the sole reason for government existing. We have a social responsibility and that social responsibility spans many areas but it is a responsibility which can and often will require discussion and debate. We have heard from the Minister for Treasury and Resources ... has yet once again trotted out the Council of Ministers' mantra: "It is all for economic growth and productivity so do not ask any questions. Most certainly do not oppose any policies of any Minister because then you are looking to destroy the economic growth and productivity of this Island." I disagree with that wholeheartedly and I think it is disingenuous of any member of the Council of Ministers to suggest ...

The Deputy Bailiff:

Deputy, the word: "disingenuous" has been held by a number of Presidents of the Assembly to be unparliamentary language because it suggests dishonesty. Could you please withdraw the use of "disingenuous."

Deputy S.M. Brée:

My apologies, Sir. I withdraw that word. I think it is wrong. Am I allowed to use that word, Sir?
[Laughter]

The Deputy Bailiff:

Absolutely. You are allowed to use that word.

Deputy S.M. Brée:

I think it is wrong that they should suggest that any Member of this Assembly wishes to do anything to damage the economy of this Island or its productivity. But surely there is more to being a government than just economic growth and productivity and I think we have to seriously consider that this Assembly is ultimately the right place to debate whether a Minister's policies are the correct ones. Do we believe in that policy? Do we believe in the mechanics that that Minister wishes to employ when it involves a large number of people who are probably going to be made redundant because of that implementation of policy? This is the right venue for that kind of discussion and we are not talking about the minutiae, the glorified H.R. Department, the single person, named individuals. We are talking about a ministerial policy. If the only reason and the only values that this current Council of Ministers have is purely driven by economic growth and productivity, then I think we need to seriously consider if the current Council of Ministers is the right one for the whole of the Island, whether or not it is the right one to lead us forward into the next few years and I think that we need to support Deputy Southern in this because it is a very, very important principle at stake.

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Do you propose the adjournment?

[12:45]

Senator I.J. Gorst:

Sorry, I was going to do the same but I am grateful to Deputy Southern for having done that in the absence of Senator Routier. I just wanted to remind Members that there is now a briefing on the MONEYVAL Report, which is open to all Members. I know not all Members have been able to respond but they are still welcome and there will be sufficient catering requirements for any Member who has not responded positively but would like to do so now.

The Deputy Bailiff:

Thank you very much. The States ...

Senator I.J. Gorst:

It is at the Jersey Financial Services Commission building.

The Deputy Bailiff:

Very well. The Assembly stands adjourned until 2.15 p.m. this afternoon.

[12:46]

LUNCHEON ADJOURNMENT

[14:16]

The Deputy Bailiff:

Before continuing with the business of the morning, could I, on behalf of Members, welcome Lord Howell of Guildford, who is here in the public gallery at the moment and will be speaking to the Royal Commonwealth Society later this evening. **[Approbation]** Now, while we continue with the debate on P.29/2016, I have the Connétable of St. John.

6.1.11 The Connétable of St. John:

During Question Time this morning, we heard the Minister praising his staff, saying what a very good job they do and how he gets visitors from overseas complimenting them on how clean the Island is and how wonderful the gardens are. So I am a little bit mystified; if it ain't broke, why are you trying to fix it? We had a wonderful speech from the Minister for Treasury and Resources. I am fairly sure I have heard it before on some other topic. It went on about the M.T.F.P., the F.P.P. (Fiscal Policy Panel) and all sorts of other things and really bore little relevance to the real issue. The way I see it, and it is purely my own personal view, is that this is being used as a scapegoat. Let us outsource the gardeners at T.T.S. (Transport and Technical Services) and then we can tick that box, we have done some outsourcing; we are tackling the problem. But that is not the problem. We know that is not the problem because we know they are doing a very good job gardening. What is the problem? It is the management above them. Are they getting the best from their workforce? Are they getting value for money from their workforce? If they are not and it is believed that outsourcing will get better value, then that is where the problem is. So the message I have is that there needs to be a serious review and you need to tackle the problem, not the result. There is nothing wrong with the result. Unfortunately, the proposition that is before us regarding outsourcing also rather does not go to the point because the point is, we do appoint a Minister to do his job and if we disapprove of what he is doing, then we bring a vote of no confidence in him. You cannot appoint somebody and then tie their hands behind their back and that is the problem that we are facing today. I think the majority of us have a very serious concern about the way this problem is being tackled. We know from an earlier example over taxis. There was a new regime as to how taxis would be managed and run and the decision was watered down. That, to me, is the real concern. I do not believe voting one way or the other on this policy is going to move things

forward and going to resolve things but I think the Minister needs to take this as a very serious concern by this Assembly and the Council of Ministers, who are obviously somewhere, [Laughter] need also to take very serious concern and note that the Assembly is worried that the manner in which they are going about achieving the M.T.F.P. is perhaps not the right way. One of the issues that has come out very loud and clear is the passing of the M.T.F.P. appears to give carte blanche to the Council of Ministers to do what they like and when we, as Back-Benchers, say: "Oi, we do not like this." "Oh, it is in the M.T.F.P., do not worry. You have already passed it." No, we do not. We only pass the financial figures. We do not pass the methods behind those financial figures and that, in a way, is what this proposition is; it is saying: "We do not like the methods behind the proposition." I very, very reluctantly will be voting against this proposition. I would like very strongly to vote in favour of it but sadly, that is the way I see it. We must let the Ministers do their job and if they do not like it, we will sack them.

6.1.12 Deputy E.J. Noel:

It is right and proper that we, as Members, care about the States workforce and what happens to them. I have, over the past year and a half, met with a great number of staff from across my department. I have talked to them in their workplace. Everyone that I have met has been courteous, helpful and has shown work commitment. I have great respect for them and I am truly proud of them. I can assure Members that they are not a mere number on a page for me. Far from it. But I fully understand Reform Jersey, Deputy Southern and other Members have concerns over outsourcing but they do not have a monopoly on empathy. Unfortunately, however, tough, difficult decisions do have to be made. The case has been made to me and I fully understand and agree with it that we cannot continue to make savings that are needed to fund the extra facilities we want in health and education without reducing staff costs and for the staff headcount numbers to go down. You cannot make some £70 million worth of staff costs reductions on an overall staff budget of some £350 million and invest in new jobs in health and education without, unfortunately, job losses elsewhere within the States. It is incumbent upon me, as Minister, to ensure that the process of the staff reductions is robust, well considered, fair, supportive, and strives to minimise the adverse impacts on those involved. That is exactly what I am doing with my officers and I would be grateful for Members' indulgence here for a while, while I run through the process review of what we are doing. I think it is important for Members to understand how we have gone about this and I hope to assure Members that great care is being taken. Firstly, the staff were made aware last year that we were reviewing what we do across the whole of the department, including Jersey Property Holdings, in an effort to achieve savings targets. My Chief Officer carried out a series of briefings in all areas of the department. Those areas that were particularly vulnerable were focused on and extra support was given in the form of opportunities to meet representatives from H.R., Pensions, Social Security and Jersey Business. This was done so the staff could start to consider their options and to be in a position to look for opportunities should they arise within or outside of the States in advance of the outcomes of the reviews because afterwards there may be fewer options and less time for consideration. The process then follows a pattern. A review of each service area is undertaken. This takes a number of weeks, or months indeed, to complete because the data has to be compiled, comparison made and options explored. That report is reviewed by the management team and a preferred option is identified. I am then provided with that report and briefed appropriately. After any feedback, the report gets issued to the unions at a meeting and discussed together with the associated timetable for staff consultation. The report is then sent out to the staff and is followed up with a meeting and presentations of the report findings and explanations of the procedure undertaken. Various officers attend the meeting, their managers, the Change Manager and H.R. professionals as well as their union representatives. Staff are able to ask questions and make comments and suggestions and after about a week, a second meeting with the same people is held and again, there can be questions and comments. This is the agreed consultation process and

as Members will know, you should never have a consultation process unless those people consulted are able to influence the outcomes and our staff are able to voice their opinions and suggest changes and amendments. More importantly, that staff are able to and do influence the outcomes. So far we have almost completed consultation on parks and gardens staff. We have been able to act on some of the suggestions and alter our plants. For example, in one area the whole section has been retained following the staff feedback. It is only after consultation has finished and the whole work area that the staff can be put at risk in the official H.R. terminology. But we have not reached that milestone yet. When we do staff will have 3 options. They will be considered for a role in new structure; slimmer organisation; or for redeployment elsewhere within the States. They can apply for voluntary redundancy or they can opt to take compulsory redundancy. It is only at the end of this process that we will know how many people will need to be made compulsory redundant. But in practice, the final position may not be known for up to 6 months later. I say this because those opting for redeployment will only be made compulsory redundant after that 6-month period and after all attempts have failed to redeploy them in other parts of the States of Jersey. I can assure Members that the staff will be supported throughout this sensitive time and particularly where compulsory redundancy is the unfortunate outcome. I think it is important that Members understand that staff have been treated sensitively and with respect. It is easy to get the wrong impression from comments in the media; both the recognised media and social media. For instance, it has been said in the media that there has been no staff consultation. As I have explained this is simply not true. Also it has been said that the staff were not informed in advance about the services going out to tender. Again, this is simply not true. I admit - and I must apologise for - it was a very unfortunate mix-up regarding the P.Q.Q. (Pre-Qualification Questionnaire) advertisements appearing in the media and on the States website prior to the reminder going out to staff members. My Chief Officer through a newsletter and through his officers cascaded down that apology. I hope that now Members will understand why the numbers of likely compulsory redundancies keep reducing. Staff are taking up options all of the time. Compulsory redundancy is very much a last resort and therefore it is comforting to see the potential numbers reducing. In parks and gardens we started off the process with a head count of 54 staff. We currently have 35. Staff have left to go to the private sector; some have gone to a post in St. Helier. Some have set up businesses on their own and some have moved to other vacancies within my department. This has happened all before the staff have been officially put at risk. This means that there will be fewer people that will be left outside of the new organisation structure. So what would be the effect of this Reform Jersey proposition on our staff? Well it is a strong argument to say that it will be unfair, insensitive and damaging. It would be treating staff differently if they were in a group of 11 or less to those in a group of 12 or more. Fairness in the process is something that we have been striving for and would ... it is basic good H.R. practice. Surely fairness is what all of us as individuals would want for ourselves. There is an argument to say that it is insensitive. In our process we are mindful in the way in which the results of the reviews and the final outcomes are delivered.

[14:30]

Staff are supported quite often by their immediate family as well as their union representatives. Finding out about the outcome through the decision of the States Assembly, perhaps by listening to the radio or even in the public gallery, is not an easy situation for any individual to manage. The public find out at the same time as the staff do or possibly before. If families find out when the States met, when a staff member is not there to discuss it with them and what it means, it is likely to be very distressing and something I cannot support. I and my department have been criticised by the head of the Unite locally that we have taken too long to complete the agreed process. Well this proposition would elongate that process and add another 6 weeks or more. That additional 6 weeks plus of the staff being kept in limbo while the proposition is prepared, lodged and debated. That is

simply, in my books, unacceptable and at the very least insensitive. It is simply unfair that individuals would be kept waiting any longer than necessary when they may need to make life-changing decisions. I certainly would not want my future employment to be subject of a very public political debate decided on by who happens to be present on the day in this Chamber. If this proposition were to be approved it is hard to see how it would work in practical terms. For example, at what point would we know when we would have to seek States approval? Sounds simple but it is not; certainly not at the start of the process, because we already know that numbers reduce quite significantly and in addition, staff at that point will not have had the opportunity to have had their say. Is it after the consultation process? Is it when the staff decide on their options? Admittedly, numbers would be clearer although some may be on a redeployment list for up to 6 months and if no job is found it is only then that compulsory redundancy would occur. So it is not clear when we would have to bring this decision to this Assembly. It is not inconceivable that we would be in a position of drafting a proposition, doing all the background work required, only to find out that just before the debate, there are fewer than 12 employees affected and we would therefore have to withdraw the proposition. We are placing our staff under enough stress and anguish. They do not need us to extend that insensitive process. Reform Jersey by Deputy Southern, has said that there were no financial manpower implications in this proposition. That is not strictly true. So far I have focused on the practicalities but I should also say something about the decision. Deputy Southern obviously feels that outsourcing should be a States decision rather than the departmental one. But that is not what we are debating today. What we are debating is adding a step, which extends an already too long process. We have already outsourced many services across the whole of the States and I believe virtually in every single department. It is our departments that live with the consequences and it is our departments who are the experts on the services that are being provided. Surely it is our departments who are in a better position to make decisions as to how those services are provided for the public good. So now some Members will be thinking that the public will be the consequences of those decisions and that is absolutely true of course. But the departments will still be responsible for the delivery of the services as they were before. Departments will still have to deal with any issues so it is in their interest to ensure that robust decision making is applied. Now I understand and appreciate that Members may believe that they could add value by evaluating the social economic cost. But let us be honest; that will be difficult to do. Not impossible, but difficult. As I have said, the numbers of staff are frequently changing and to determine the cost would mean knowing the plans of the staff affected and we simply do not know that. Deputy Southern has made assumptions and taken averages to calculate his figures. Is this really what we should be making our decisions on; theoretical averages? My staff are not theoretical averages. They are individuals who deserve our respect and our honesty. We are in regular touch with the Social Security Department and they keep us up to date with the situation so they can assist our employees that are affected. I would stress that our reviews are robust and I am not against this Proposition fearing change. Our staff have been given the opportunity to challenge and we have taken those challenges and reacted to them in many, many instances. But may I bring Members back to the reason why we are making these savings? Simply to enable funds to be redirected to health and to education. Our savings will provide funds for jobs in health and education, the sectors where there is greater need. So we do need more healthcare assistants. We do need more teachers' assistants. We need more staff in those 2 areas across the board and there will be opportunities for Department for Infrastructure staff to transfer to those areas. Why is it that a gardener or a cleaner cannot become at any age in life a health worker or a worker in one of our schools in a support role? Fulfilling roles. Roles which play to their social skills and giving them a fresh start. We are in a position to be able to continue to provide the same services to the public and we can free-up budgets and redirect those to priority areas such as health and education to make taxpayers' money go further. We owe that to all taxpayers to do this. I very much regret that neither I nor my officers have a Plan B. My department has made significant

savings and efficiencies over many years. We continue to make efficiencies but this will not generate the amounts of money needed for higher priority areas that I have mentioned and we have to be more radical. I urge Members to reject this proposition. This has already been a very difficult time for my staff. Agreeing this proposition will only make those individuals that Reform Jersey are trying to protect, even worse. I would now like to quote from Deputy Southern's report as follows: "It seems to me that there must be some safety mechanism put in place." That is Deputy Southern's words and for once I 100 per cent agree with him in this particular instance. It is for this very reason that I suggested to the Chief Minister and to my ministerial colleagues that a sub-group of S.E.B. should be set up comprising of non-ministerial Members. This idea was suggested to Deputy Southern and I believe he was even asked to be one of those Members on that sub-group. Unfortunately, but not surprisingly, he declined to be part of the solution. Finally, if Reform Jersey wanted to stop further outsourcing - because as I already said, the States already outsource many services as do many organisations, including the Parishes - then they should have brought a proposition to do so. This proposition is not well thought out. It is certainly not fair and it is most certainly insensitive.

6.1.13 Deputy S.Y. Mézec:

It is difficult really to know where to start after that speech, when I disagree fundamentally with virtually all of the content in it and fundamentally all of the principles underlying it. I think the most important point to make here, especially when he brought up towards the end of his remarks Deputy Southern declining to take part in a sub-committee; a job which would have made him complicit in what is going to be a terrible, terrible time for many of these workers who the Minister says he wants to stand up for. Let us be clear about this, and this is I think the fundamental point here, is that by every measure of opinion that it is possible to get from these workers, Deputy Southern has their support; the Minister does not. Every measure of support we can see that. Whether that is the workers themselves voting for strike action because they do not believe that the negotiations, which have been undertaken so far, have been meaningful. In fact some of them have even used the word sham, when describing it to me. Whether it is the fact that the trade union who represents these workers lent their full 100 per cent support to the Parish Assembly that was held in St. Helier last week, and that they have given their support for the principles behind what Deputy Southern is trying to do. So I think to then spend several minutes within his speech talking about how this would be insensitive, I think is just wrong and the workers who we have spoken to - those who have spoken to their union representatives and those who turned out to the only public meeting which has been held on this subject - have given their unanimous support for this proposition and their unanimous opposition to the position taken by the Minister for Infrastructure. To ignore these peoples' views, to take part in negotiations, which by the way, the Minister has not attended a single meeting with these workers representatives as he revealed in Question Time earlier, he has only now finally agreed to meet the regional officer for the union, after I regret that I had to embarrass him on air, on the radio, to make this point. That is what is insensitive, not what Deputy Southern is trying to do. Deputy Southern should be commended for the way, not just today, but for the past 14 years, how in every action he has taken in this States Assembly he stood up for working people in this Island - public sector, private sector, all sectors - with a particular focus on those at the bottom, who face being marginalised. It is the Minister's position which I believe is the insensitive one here. I want to come back to a point that was made by the Constable of St. John, who made a very good speech - he often does, I enjoy listening to them, even when I disagree with the conclusion he arrives at in his speech - where he made an important point. He spoke about tying the hands behind the Minister and not letting them get on with the job they were elected to do. I completely sympathise with that point. Here is the point for that: the Minister is doing the opposite of what he said he would do when he got elected. I think that is a serious point here. I have raised it, not just at the public meeting, but at the Parish Assembly last week or on air or on

the internet when we have put out information. He said he would do the precise opposite when he was elected. I cannot be more unambiguous than that. Just as he could not have been more unambiguous in his answers to questions in the States on 6th November 2014 when Deputy Southern asked: "By how many do you anticipate you will be reducing staff numbers?" He said he would not be reducing them; he would be seeking to increase them. Surely the job of this Assembly is once we have appointed Ministers it is then our job to hold them to account. The Assembly is not the Government. It is the Legislature. The Council of Ministers is the Executive, is the Government. Our responsibility as Members of the Assembly is, once the Government is appointed, to hold them to account on what it is they said they were going to do. This Minister in particular said he was going to do the opposite of what he is planning to do now. You can say that perhaps at some point in the grand scheme of things, when the Council of Ministers was around its table coming up with its Strategic Plan and then the M.T.F.P. that maybe he did in those meetings make strong representations to try and keep his election promise and was simply outvoted by a Council of Ministers which is collectively responsible. Maybe that may well be the case. But the fact is that our job is to look at what the evidence is before us and try and hold them to account on it. So far we have been given absolutely nothing to suggest that any measures he is planning on taking are the right ones. Senator Maclean, in his speech, made what I thought was a really bizarre point. He said that in his proposition Deputy Southern had not come up with any examples of an unfair process being adopted. To my knowledge, Deputy Southern is not a clairvoyant and none of this proposed outsourcing has properly happened yet. So how can he use examples when those examples simply do not exist? One of the points that the Minister for Infrastructure has tried to make, not necessarily today, but certainly in previous States sittings, is that he does have the mandate to do that because it was included in the M.T.F.P. But, let us remember the M.T.F.P. last year, the Government were criticised quite heavily for the lack of detail there was in it. We got basic spending parameters for each year, but no detail within that. We do not know exactly where the money is coming from. We have simply agreed to the overall spending parameters. So to say that that is a mandate to carry out specific examples of outsourcing within his department, it just is not. We have not seen the information. I think to therefore ask that we do want to see the information before making an informed choice on something which is the opposite of what we elected him to do, how can that not be reasonable? That seems to me to be a perfectly sensible way forward.

[14:45]

The point is in the actual wording of the proposition it is talking about each proposal for outsourcing being accompanied by a full analysis of the business, social and economic case. That surely must be the most fundamental point here. Because we do not have any impact assessment or any idea of what this is going to do, not just on a personal level to these workers who will be facing particularly difficult times as a result of this, but the effect it will have on tax take and the effect it may have on income support payments to many of these people who do not get new jobs. I just say I find it very frustrating with the Minister for Treasury and Resources' speech where he spoke about the growing digital industry the Island has. Of course, that is a good thing, but it is not much consolation if you are somebody who is going to be made unemployed in your 50s, having done a manual job all your life, to go: "Oh do not worry, all these coding jobs are coming up." That is no consolation to these people whatsoever. The threats he was also making in his speech about if we do not do these sorts of things there are going to be more tax rises on the way. I mean, give me a break. The Assembly has already agreed that there are going to be tax rises. Tax rises, which by the way, this Minister for Treasury and Resources said from the very beginning would be a last resort. Then at the very first demonstration of a part of government programme for this term included plans for tax rises. That does not sound like a last resort to me. That sounds like a first resort, which makes me wonder where the plans initially originated from. He says there will be

more tax rises. We do not know what level the tax rises that have been proposed already are going to be, because he will not give us an ounce of detail on it. He has simply asked people to vote for the broad concept of something and then say: "Oh trust me, we can get on with it." I would say to those Members who are on the fence here, saying that we cannot adopt this because we do not want to tie the hands behind the Minister's back, what if they, having given the initial mandate to investigate these further tax rises - so the health tax and the waste disposal tax - if they then come forward with proposals for those taxes that turn out to be incredibly unsatisfactory, because of who they target, what exemptions there may or may not be, it would be our job as an Assembly to say: "No, we are not going to adopt that proposition, even though it was stated that it would be one of the aims in the initial Strategic Plan. We will not adopt it, because it does not look like what we want it to look like." That position is exactly the same here with this outsourcing. When it is so obvious that the people who are at the centre of this, those working people, are in full support of this proposition, then I would really, really hope that Members would take that into account. I was chatting to the Constable of St. Saviour after her brilliant speech earlier on today; these are people who reside in all of our constituencies, not just St. Helier, even though that was where we had the Parish Assembly. There were many people there from all around the Island who had come to witness it. These are people whose lives stand to be ruined by this. Surely the least we can do as an Assembly is to say: "We are going to take an interest in it and we are going to veto it if we do not think it is being done properly." I do not see anything unreasonable about that and I would hope that a moderate and sensible Assembly would say: "No, we are not going to give something the green light when we have not had the evidence that it is the right thing to do. We want that evidence. If it is the right thing to do, we will go ahead with it." Surely that is the reasonable and default position.

6.1.14 Deputy M.R. Higgins:

I will be very brief, because the previous speaker covered a lot of the points I wanted to make. There are 2 main notes that I have. There is one to do with the economic case. We had the Minister criticising Deputy Southern for producing various figures. Yet the Minister himself has produced none. How can he criticise him for that? Every States Member, before we consider making one person redundant, should have the full facts. We have not been given them, not only in this particular case, but the whole question of redundancies across the States. Deputy Southern, in his argument, has set out the case. I have talked about money floating around the economy, I can see the net result of the redundancies reducing the amount of money that is going to be in the economy, which will lead to further job losses and also a reduction in economic growth not increased economic growth. So until they can produce figures that will convince me otherwise, I believe the policy is flawed and it is wrong. Therefore, I will oppose it. That is just on the economic case: they have produced no shred of evidence to prove that what they are going to do is correct. There is a social case. I feel very, very strongly for these workers. I took offence at Deputy Noel's comments. He has expressed sympathy for his workforce, saying: "If this goes ahead it will drag it out even further." We have had months of this. There have been questions asked in this House for months about proposed redundancies. We have had all sorts of statements made by the Minister, which have just, to my mind, exacerbated the situation, put fear into the minds of the workers. As Deputy Southern has mentioned, many of these workers are maybe 40 or 50 years old. Their chances of getting a job may be reduced, considerably. Secondly, all those jobs are going to be at minimum wage. We are going to have to supplement this through income support. To my mind, until the Minister produces any evidence to the contrary, I will accept Deputy Southern's figures, because there is nothing else on the table. I would ask every other Member to support Deputy Southern on this, because unless Ministers come forward with good, economic arguments we should not be supporting anything that they do. I will leave it at that. Thank you.

6.1.15 Deputy K.C. Lewis:

I was at T.T.S. for 6 years; 3 years as Assistant Minister and 3 as Minister, so I know a lot of the workforce personally. I know they do a fantastic job keeping the Island up to scratch. I will take issue with one or 2 of the comments that the Minister made. I do not pretend to be the brain of Britain, but how can somebody opt for compulsory redundancy? That is a contradiction in terms. I cannot walk down King Street or Queen Street without being approached by people. I was approached by a person - who obviously will remain nameless - the other day, who tells me his father-in-law has Alzheimer's; he is set up for redundancy, he thinks he is going to be made redundant; he is paying a mortgage; he has a daughter in university; and his wife works at BHS. I said: "My goodness, you have the full set there, but I will do what I can." As I say, I do know most of these people personally. They cannot go home and get a job, because they are home. They are predominantly Jersey people. Some of them I have presented certificates to for good conduct and for doing a fantastic job and these certificates appear to be absolutely worthless. I will finish by saying: if you are going to prune a tree, you do not start at the roots. Thank you.

6.1.16 Senator I.J. Gorst:

I understand that for some Members they are opposed in principle to the concept of outsourcing. We heard the mover of the proposition today and his fellow party Members say that that is not the case for them. So be it. They have questioned me in this regard and that is the case that they are making today: that they are not opposed to it. They have made passionate arguments, as have others who are wanting to support this proposition, about the individuals that would be affected. I think that they are good arguments. I think that it is important that politicians think about the individuals which are affected. We heard a speech earlier from another Deputy across the Assembly, who criticised the Council of Ministers, suggesting we were only interested in money and not the social elements. I appreciate that it sometimes looked like that, because we do have to, as far as possible, present plans to the Assembly which are sustainable. We have heard other Members talk about a structural deficit of £145 million. It makes for good politics and it makes for good soundbites, but they know, those that have said it, that there is no structural deficit of that magnitude. There is a structural deficit, but it is of a much smaller magnitude. We will address that in the M.T.F.P. What we also want to address is to make sure that we invest in health and in education. We have been challenged this morning about whether we are proposing to invest enough in education. That is a fair challenge. In order to do that, we are having to look at every service that we deliver, to see if we can deliver it in a different way, giving value to the taxpayer, but not forgetting - not forgetting - importantly the social aspect of the changes that we might be proposing. The Minister for Infrastructure has also been the butt of what I know to be unfair criticisms of him as individual. He is an accountant. We forgive him for that. Sometimes that hard accounting numbers exterior is all that people see. That is only one side of the man that I know and have got to know over years of working with him in this Assembly. I make it personal, because it was he that came up with the idea of setting up a sub-group of the States Employment Board. I appreciate that Deputy Southern feels that that does not give him the policy aim that he desires. But let us, for a minute, explore what it does. It does not group people into numbers of 12, numbers of 20 or numbers of 50. It allows for the creation, away from Ministers, because I recognise that some in this Assembly do not hold Ministers in the regard that we would like to be held, away from Ministers, with the Constable of St. Martin and St. Mary, 2 individuals that I personally think are beyond reproach, together with what I hope will be 2 other non-ministerial Members. During the course of this morning I have suggested another individual that I might like to put their name forward, but they have not responded positively yet, but hopefully they might during the course of this debate. What it does is allow that sub-group to think about each individual that is going to be affected. Millions of pounds are put into Social Security, into helping people back into work. We have a redeployment register. We try to keep people in the States employ, if at

all possible, recognising that people need support. Sometimes they need some retraining and to go on a course. We have been quite clear, and I know that the Minister is quite clear, that while he has got the challenge of balancing his budget and showing that he is giving value for money, he is also concerned about each individual. That is why he has worked in the way that he has, with reviews, with consultation, with trying to understand the implications. It will not simply be a sub-group that looks at the numbers. It will be a sub-group, because it is part of the role of the employer, that considers whether the individuals are able to have more intensive support from Social Security, where there are opportunities right across the States for them to be redeployed. Not just numbers. It will be work. It will be time-consuming. But that group will get to the core of what is happening in any given outsourcing scenario.

[15:00]

So whether it be the Ministers or whether it be the I.T., they will be able to look at not only the money, not only the tenders for a new provision of that service, but also what is going to happen to the individuals and how we can get better outcomes for those individuals. The Minister is right, the people affected will change. Sometimes that might change on a weekly basis. It might change in renegotiation with any tenderer. It might change in renegotiation with a department, where people find they can bring jobs together to create a space for that individual that we would all be worried about might not be able to get a new job. I would say that what is being proposed maintains the appropriate balance between this Assembly thinking about policies and the due care and regard that is needed by an employer to all of its individuals. It takes the numbers away and it allows a mechanism to think about individuals and the effect that it will have on them. I know, whoever the other 2 members are, that the Constable of St. Mary and the Constable of St. Martin, if they are concerned about individuals they will not be afraid to tell me. They will not be afraid to tell the States Employment Board that it is the wrong thing to do, that the financial benefit is outweighed by the human effect on any particular outsourcing proposal, because they will. They work with their Parishes; they have to make decisions that affect people's lives every day. They are compassionate. Whatever Members think about me, they certainly can show that their priorities are in the right order. I know there are many Members in this Assembly who feel the same way. I hope that 2 of those Members will come forward and join the 2 Constables in what is going to be a difficult piece of work to give that appropriate balance to those individuals, to care for the individual, to understand their circumstances so that we can make the right decision, not one based on dogma or ideology. We have lots of difficult decisions to make over the next few years if we are going to deliver on our priorities, if we are going to transform the government into what the taxpayers want and deserve. I think that those 2 individuals joined by 2 others is the right way to deal with this issue because they can deal with it in a personal, individual way and not just have an arbitrary number, not just think about the money, which seems to be what the Deputy wants. He wants a business case; he wants a set of numbers. As an employer we want to think about the individuals as well. I know that is hard but I believe that those individuals are going to help in that regard. The Minister is a person of compassion. He equally wants to provide value for money to the taxpayers. It is because of that, not because we are heartless, not because we are just thinking about the money, but it is because of that that we ask that Members do not accept this proposition but rather put their names forward to work on the sub-committee. Thank you.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? If not, then I call on Deputy Southern to reply.

6.1.17 Deputy G.P. Southern:

I thank everybody who has contributed to the debate and if I do not highlight particular speeches then I am doing my best anyway. It is interesting to see that I have been put in a position now where apparently if I maintain this proposition I am somehow judging the compassionate nature of 2 Constables because they are part of the alternative and they are kind and compassionate people. I am put in a position where I am told that the Minister for Instructure is a very sensitive and compassionate and empathetic and sympathetic man so I should stop arguing with him. Well, I bow to no one in terms of sympathy or empathy for being compassionate and I am not, as the Chief Minister just stated, solely concerned with the money. He proposes a system that will deal with individual cases and yet my argument that cases of a certain size and only those, not the individuals, should be dealt with in this Chamber is somehow mocked and ridiculed. That is not the business of government and yet he is proposing a system which deals with individuals. Let us take the example from Deputy Kevin Lewis who illustrated his speech with the case of a person who stopped him on the street: "I have a father who has dementia, I have got my daughter about to go off to university, I will not be able to afford that, I have a mortgage, what do I do? My wife works for BHS." That person goes to this sub-committee and tells his situation so that they can deal with it sympathetically and say, for example: "You are the worst case that has come to us, of course we will preserve your job, somebody else will have to go." Is that what is being proposed? How micromanaging do we wish to get? Because that ultimately is what the Chief Minister is proposing, micromanaging the issue by talking about individual cases. The whole point of my proposal is that I do not want to be dealing with those individual cases, we have a set up to deal with those individual cases, we have Back to Work schemes, we have got Social Security, we have got a support system in place should we need it for people who are made redundant. What I am saying is, no, what you do not have, Ministers, any Minister, and we started with the weakest end, the lowest paid, the cleaners and the gardeners, but we will see more and more going through the departments as we go on, this is just the first case that happens to illustrate it most markedly but there will be more. Mark my words, there are plenty more in the second half of the M.T.F.P. to come. How best we deal with those? So my apparent obsession with the money is about: "Well this is what we can control." Now, let us ask what is value for money for the taxpayer? Would the taxpayer be happier paying a reasonable wage with reasonable conditions to a States worker or does the taxpayer want to be chipping-in, contributing to the income support of a person with reduced terms and conditions, reduced pay, let us say, at or close to the minimum wage in order to support that lifestyle. What is best value for money there? Keeping somebody in work, in reasonable conditions, doing a great job that various people have said: "We are proud of the job that they do" including the Minister; or supporting them in benefits, in a poorly paid job, even possibly a zero-hours' job that is not even stable and certain. That is the choice we are being asked for, because mark my words, people who are laid off as cleaners or gardeners will be at or near minimum wage, maybe on zero-hours contracts in the future and that is what we are talking about, and that is where the money comes in. But let us use another argument about money - sorry to obsess, Chief Minister, but it is what we can control. So in comes a tender for cleaning services or gardening services throughout the Island. Here is the winning tender and it comes in with the savings that the Minister expects to make, which I talk about in my proposition, and the bid comes in 44 per cent under what we are currently doing. Wow, what a great deal. Uh-uh, that is year one. That might be still the same in year 3 but after A1 Gardeners has become the only commercial gardeners on the Island and has a monopoly or near monopoly, what is it going to do with its prices? Three years down the line those prices will be going back up again. G4S ditto. When they are the only security unit, when they are the cleaners on the Island, what are they going to do to their terms? Up they will go again. So even the savings that are in theory supposed to be made by outsourcing, time and time again you find there is a costing and certainly in the longer term, when we talk about a sustainable future, sustainable, I do not think so. Three years down the line just watch those prices, those tenders, go up in a spiral, because that is the reality, that is the hard reality of what

happens. How do we approach this issue? I would remind people of the speech by Deputy Brée this morning, which was totally focused saying: “This is exactly what we ought to be doing. Holding the Ministers to account for a general principle and policy and doing it, in this case, for those larger packages of redundancy.” Exactly what we should be doing, holding the Ministers to account; this is what this Assembly was for. This is not micromanaging, this is holding Ministers to account for their schemes. I thank also the Constable of St. Saviour who reminded us of the human side of this particular case whereby there are tens of workers, employees, in the States not just , there are hundreds I think and we are seeing the effects of stress on work attendance, *et cetera*, illness, anxiety, mental health issues on our workforce as they stand there today saying: “Who is next? Is my job safe? Will I be employed 2 years down the line or will I be, like many, facing compulsory redundancy? Will I be changing at my time of life my whole situation?” That worry is there and remains there. It is notable that no single Minister has in any way brought forward any numbers to talk about the costs and the benefits of any such scheme. Remember this proposition, my proposition, does not make one less redundancy, does not make one more redundancy, it just says when you have 12 or more redundancies you must bring them to the House. That is all it does.

[15:15]

There is no cost to that whatsoever and no manpower implication whatsoever, this is the principle. If it is more than 12 bring it to the States. We do not want to micromanage but that we consider is a larger scale and needs attention. Again, I come back to the basics. We have not received any numbers yet because the Minister keeps saying they have not quite finalised what they are going to be doing. But at some stage they will have finalised what they see as the way forward and when they have that case with the numbers and with the case, then is the appropriate time to bring it to the House for us to decide on it. That within their own management of the process must be done. They must have a business case with the I’s dotted and the T’s crossed: “This is how much we save longer term. This is how much it costs. This is how much we save.” They must surely have an economic impact case and that is where we talk about what is the cost in income support. What is the cost in lost tax revenues? What is the cost in supplementation? All 3 of those are costs which come out of the taxpayers’ pocket. So they better have that case done and dusted. That is the time at which there will be an economic impact because if you take money out of circulation, as Deputy Higgins keeps telling us - and he is the economist in the room - you reduce your economy, you drag it down. We are still not out of recession. We are still not guaranteed to be able to do that. So where is our taxpayers’ money best spent? Keeping people in work or letting people go out of work reliant on benefit. That is the question that needs asking. Is that sustainable in the longer term or do we start a downward spiral and does our economy get worse and worse and worse and your productivity figures go through whatever they do. The Constable of St. John made a good speech again but I think came to the wrong conclusion. **[Laughter]** I ask him to just reconsider his position and particularly his vote because remember opinions mean nothing, do nothing. It is the vote that counts, it always is. Which way do you wish to vote? What he suggested was that what is going wrong is that we are aiming at the lowest tranche of workers because they are an easier target and not at a higher level of workers. The question he posed was what are the management doing to make sure they are delivering because that is where the attention should be. I think that certainly the opportunity to hold the whole process, a department, to account comes with the arrival of the latest scheme from a department saying: “What have you done with your management to deliver better than apparently, according to these numbers, you are delivering?” So I think the opportunity to hold that department to account, that Minister to account, is better done by my process than it is by this individual process where we are just talking about how compassionate can you be and who will get the chop and who will not. I have got a little sign here towards the end, and I will be finishing shortly. It is the accusation that was made to me: “Why do I obsess with the money?” I

have drawn a little ... there is the word “money” there, with a little heart round it. It is to remind me that apparently I love this money. A little hook comes off it and goes to another word, little phrase: “Is this sustainable?” We often hear that word, especially from Ministers: “We are devising a sustainable result.” Is it sustainable to take all this money out of the economy? I do not think it is. Is it appropriate that money should go paying people in low wages on benefit or is it better to keep them in properly paid remunerated work? I think the taxpayer knows the answer to that. Is it sustainable to have individuals pleading before this sub-panel about: “Not me, Guv, sack the next man”? I do not think it is. That is not sustainable either. I think the way forward is that we monitor and hold the Ministers to account, the departments to account, on an individual basis when they produce a larger scale scheme that we can monitor appropriately, with the business plan appropriately, with the economic impact, and that is the way to proceed. I think it is the best way to proceed. I maintain the proposition.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats. If Members have had the opportunity of returning to their seats I ask the Greffier to open the voting.

POUR: 16		CONTRE: 29		ABSTAIN: 0
Senator Z.A. Cameron		Senator P.F.C. Ozouf		
Connétable of St. Saviour		Senator A.J.H. Maclean		
Deputy J.A. Martin (H)		Senator I.J. Gorst		
Deputy G.P. Southern (H)		Senator L.J. Farnham		
Deputy of Grouville		Senator A.K.F. Green		
Deputy J.A. Hilton (H)		Connétable of St. Helier		
Deputy J.A.N. Le Fondré (L)		Connétable of St. Clement		
Deputy K.C. Lewis (S)		Connétable of St. Peter		
Deputy M. Tadier (B)		Connétable of St. Lawrence		
Deputy M.R. Higgins (H)		Connétable of St. Mary		
Deputy J.M. Maçon (S)		Connétable of St. Ouen		
Deputy S.Y. Mézec (H)		Connétable of St. Brelade		
Deputy L.M.C. Doublet (S)		Connétable of St. Martin		
Deputy R. Labey (H)		Connétable of Grouville		
Deputy S.M. Brée (C)		Connétable of St. John		
Deputy T.A. McDonald (S)		Connétable of Trinity		
		Deputy of Trinity		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Peter		
		Deputy R.J. Rondel (H)		
		Deputy A.D. Lewis (H)		
		Deputy of St. Ouen		
		Deputy M.J. Norton (B)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy P.D. McLinton (S)		

7. Draft Financial Regulation (Miscellaneous Provisions No. 4) (Jersey) Law 201-(P.30/2016)

The Deputy Bailiff:

The next item of Public Business is the Draft Financial Regulation (Miscellaneous Provisions No. 4) (Jersey) Law, lodged by the Chief Minister, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Financial Regulation (Miscellaneous Provisions No. 4) (Jersey) Law 201-. A Law to amend powers conferred on the Jersey Financial Services Commission in relation to fees by amending the Banking Business (Jersey) Law 1991; the Collective Investment Funds (Jersey) Law 1988; the Financial Services (Jersey) Law 1998; the Insurance Business (Jersey) Law 1996 and the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

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

Could I ask the Assistant Minister to act as rapporteur please?

7.1 Senator P.F.C. Ozouf (Assistant Chief Minister - rapporteur):

The law that has just been read out by the Deputy Greffier proposes a number of amendments to a number of the financial services regulatory laws that are administered by the J.F.S.C. (Jersey Financial Services Commission). These amendments fall into 2 broad categories. Firstly, to deal with the bringing into an equality of position, the fee-levying powers which is consistent across all the regulated entities of the regulated sector by the J.F.S.C. Secondly, to remove certain unnecessary administrative provisions that require the annual renewal of regulatory licences which are granted under the “2” of the regulatory suite of laws that the J.F.S.C. operates under. The draft law also makes a number of miscellaneous amendments dealing with the width of the restriction carrying on, which is about carrying on unauthorised business. Perhaps it is fair to classify some of the amendments before Members as housekeeping, however I would say that the amendments are important because they are fundamental to the way that the Commission deals with regulated entities. Members will be aware that the Commission has now been granted the statutory power under Article 15 of the J.F.S.C law, that is the overarching law that deals with the J.F.S.C., and what we are doing is effectively putting provisions so that each of the regulatory laws that sit beneath it are able to allow the Commission to administer businesses on a consistent basis and to organise the way that they do fees. A number of amendments have been identified as required in order to make the fee-levying provisions consistent across all of the regulated entities. In fact, Members that are close to the work of the Commission now will know that the Commission regulates by entity as opposed to an individual type of service, and that is an extremely welcome move by what we think our regulator is really showing how a modern regulator should work, which is tough on standards, but certainly business-friendly in terms of the administrative requirements that they have to do. The law does allow for provisions to charge periodically, such as annual licence fees, and also charge discrete fees, such as those of the requirement of paying a fee for the Commission carrying out a specific requested activity. The Commission already has this power in respect of some of the regulated sectors and critically this ensures that the same power now is afforded to 4 additional laws, which is the Banking Business Law, Financial Services Law, Insurance Business Law and the Proceeds of Crime (Supervisory Bodies) Law 2007. Effectively what has been done is a lifting of the provision that exists in the existing law that provides for these administrative arrangements under the Collective Investment Funds Law, which effectively says: “The Financial Services Commission shall publish fees, that shall be payable by holders or permits, licence holders, at such intervals and upon the occurrence of such event as the Commission may determine.” Now that is important to have that ability to be flexible because amendments need to be made. Of course it is important also to say that this is not just a fee-making ability itself. Before the Commission sets any fees under the proposed amendments, and indeed that existing one that I mentioned, it needs to follow a consultative process, and that is set out clearly in the Financial

Services Law and it requires that proper consultation with those that will be liable to the fees. In addition, as this Assembly is often told, there is of course rightly some sort of arbitration ability as well. Article 15 of that law that I mentioned, the Financial Services Law, allows for an arbitration mechanism and, in this case, it involves a panel of Jurats should the Commission be unable to reach an agreement on a proposed fee with a body that it is designing or wanting to prescribe a fee for. Those representatives can then of course make applications under that innovative and, I think, safe almost appeal mechanism in order that a judgment can be made about whether the Commission would be unreasonable. I do not think they have displayed anything unreasonable in what they have been doing. The proposition deals with the removal of unnecessary administrative provisions that are now deemed not required under all of the regulatory laws the Commission administers, except the Banking Business Law and the Investment Business Law. Once a business has been granted a regulatory licence it remains valid and sits until such time as the Commission revokes it. However, after the existing article of the Banking Law, it effectively gives a bank an expiration of its licence on 31st January each year. This means that all banks have to effectively make their registrations renewed every year. This is regarded as an administrative burden that we can do away with and there is lifting the provisions that exist in some of the other regulatory laws that basically deals with what I would think the Minister for Treasury and Resource would say, would be an unnecessary piece of red tape. Finally, the provision that the law deals with some amendments, which is set out in Article 4, to the prohibition against carrying unauthorised business in the Supervisory Bodies Law. This prohibition in Article 10 of the Supervisory Bodies Law prevents carrying on unauthorised business of a kind specified in a specific schedule to that law should be extended to bodies other than companies whose registered office is in Jersey. It is effectively closing all lacunas that would be unwise and indeed wrong for the Island to authorise business in that area. In summary, this widens the application of the Supervisory Bodies Law, which is entirely in line.

[15:30]

I hope those Members who were able to attend the Chief Minister's presentation in relation to the MONEYVAL Report will understand that while these are of technical nature they are important because they show the gold standard of regulation, which has been so successfully, I think, set out in the MONEYVAL Report. This is just all part of the constant improvement that we need to make and, where necessary, the lifting of administrative burdens that we do not need to do to allow our defences to be strong and consistent. I would like to propose the principles of the Bill.

The Deputy Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? All Members in favour of adopting the principles kindly show. The principles are adopted. Does the Corporate Services Scrutiny Panel wish to scrutinise the matter?

Senator P.F.C. Ozouf:

It is Economic Affairs.

The Deputy Bailiff:

Does the Economic Affairs Scrutiny Panel wish to scrutinise the matter?

Deputy S.M. Brée (Chairman, Economic Affairs Scrutiny Panel):

No, Sir, we do not.

The Deputy Bailiff:

Thank you very much. How do you wish to deal with the matter in Second Reading?

7.2 Senator P.F.C. Ozouf:

I think *en bloc* if I may. There are only 5 substantive Articles and I take them *en bloc*. I think I have explained effectively what the provisions of the law are. I am pleased Economic Affairs does not want to scrutinise this but always happy to come and attend upon them to explain anything and I hope this one does not cause them any difficulty. We understand the importance of making sure that Scrutiny is pre-briefed before we come to the Assembly today. So I am grateful for the Chairman allowing for this legislation to go through effectively without further scrutiny. In respect of the unnecessary administrative Articles that I referred to, those are Articles 1(a) and 3(a) of the draft law these would remove these unnecessary provisions. Additionally Article 5 of the law before Members would make it necessary for consequential amendments to the Insurance Business Law effectively to be made under alternative arrangements. These amendments, those like Article 4 of the draft law, deals with the prohibition, which is the last thing I said, about carrying on unauthorised business. I may propose the Articles *en bloc* and seek to answer any Member's questions.

The Deputy Bailiff:

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

7.3 Senator P.F.C. Ozouf:

No. Just perhaps it is the only opportunity to say, perhaps the Chief Minister would have stood up to say, this is an important day for financial regulation in these matters. This is another minor matter but it is all part of the patchwork of protections that we have which got to the MONEYVAL Report that we do. So I thank Members for their support in this in the Third Reading and thank Members for all of the legislation that they have passed over many months now which has effectively made sure that we have got that really excellent top drawer report from the MONEYVAL Report and I extend our thanks to the Commission, to the Law Officers, the investigating authorities and all those others that are involved in basically making sure that the Island is kept safe. I thank the Chief Minister for his ongoing and consistent report. Leadership from the top; it matters. Thank you.

The Deputy Bailiff:

Is the law proposed and seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the matter in Third Reading? All Members in favour of adopting the matter in Third Reading kindly show. The law is adopted in Third Reading.

8. Draft Criminal Justice (Young Offenders) (No. 2) (Jersey) Law 201- (P.33/2016)

The Deputy Bailiff:

We now come to the Draft Criminal Justice (Young Offenders) (No. 2) (Jersey) Law 201-, lodged by the Minister for Home Affairs and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Criminal Justice (Young Offenders) (No. 2) (Jersey) Law 201-. A Law to amend further the Criminal Justice (Young Offenders) (Jersey) Law 2014 and the Children (Jersey) Law 2002 with respect to young offenders. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

8.1 The Deputy of St. Peter (The Minister for Home Affairs):

In July 2014, the previous Assembly debated and unanimously adopted the Criminal Justice (Young Offenders) (Jersey) Law of that year. That law has Royal consent but has not yet been enacted. Today Members are being asked to consider and adopt the Criminal Justice (Young Offenders) (No. 2) Law which will amend the 2014 Laws when both are enacted. So why amend a law which is yet to be enacted? In short, to improve it. While it is not commonplace to bring forward a No. 2 Law, doing so in this case will help to ensure that the Assembly enacts significantly enhanced legislation. Before I provide details of those improvements it may be helpful to Members if I could quickly recap where we are today and why the 2014 Law was brought forward in the first instance. So the law was intended to replace the 1994 Young Offenders Law which is the law that is currently in force here in the Island. The primary aim of the 2014 law was to try to solve the problem of mixing together 15 to 17 year-old males with 18 to 20 year-old males in the Young Offenders Institute and the placement of 15 to 17 year-old girls in the women's prison. A situation which in many cases is far from desirable and which has been heavily criticised by a range of external bodies, such as Her Majesty's Inspectorate of Prisons, the Kathy Bull Report and the Howard League. The 2014 Law was designed to resolve this problem by establishing a placement panel with powers to determine the most appropriate place for detention and to allow that place of detention to be either the prison, the Young Offenders Institute or Greenfields depending on where the panel considers it to be the best interests of a young person to be detained and also in the best interests of any other young people who are detained in the same facility. The 2014 Law also provided safeguards placing a legal obligation on the panel to continually review all placement decisions on a 3-monthly basis and in the case of a young female detained in a prison - because detention in Greenfields does not meet their needs - on a monthly basis. The Assembly agreed that proposal, readily recognising that Greenfields, which is a modern 8-bed secure home that I am sure many of you have been to visit, will in many cases provide a much more appropriate environment in which to look after and support the rehabilitation of young offenders. As Members know, Greenfields is often empty or has only one or 2 occupants at a time. Those occupants being children or young people on remand or on secure accommodation orders because of concerns that if they were to abscond there is a risk that they would come to harm or harm someone else. Subsequent to the States agreeing the 2014 Law officers started work on the secondary legislation that flows from it and in so doing recognised that more improvements could and should be delivered hence the No. 2 Law amends the 2014 Law in 4 key ways. The first of those changes relates to the treatment of 17 year-olds. As it stands at the moment under the 1994 law, which is still in place, a 17 year-old who commits a lesser offence would, when it comes to length of potential sentence, be treated in the same way as an 18 year-old who in turn would be treated as any other adult. The 2014 Law changes that position, putting in place a maximum 12-month sentence for a 17 year-old who commits a lesser offence, for example, burglary. While that decision is right, it does have one unintended consequence. It would mean that a 17 year-old who drives a car while drunk or high and who seriously injures or kills a child could only receive a maximum 12 month sentence. That is out of step with other countries like the U.K. but more importantly it means that the punishment fails to acknowledge the impact that the offence has had on the lives of others. The No. 2 Law, while upholding the 12-month maximum sentence for a 17 year-old for a lesser offence, creates a carve-out for driving offences. The effect being that a 17 year-old who has the right to drive in law will also have the associated responsibilities. If they are mature enough to drive they are mature enough to be sentenced as per other young adults who are aged 18 to 21. The second change relates to the detention of children who commit a crime. For the purpose of this law a child is someone aged 10 to 14. At the moment under the 1994 law a child can be detained for murder or for a serious offence, for example rape. The 2014 Law changes that position. It states that a child can only be detained for murder, not for a serious offence. However, the uncomfortable reality is that there are cases, albeit very rare, where a child commits an offence that is so serious that the public needs protection from the possibility of their re-offending. In addition that child needs to be

in an environment that provides for their rehabilitation. The media has recently covered the case of 2 girls who are aged 13 and 14 who battered and tortured a woman to death and who were charged with murder. Had their victim survived her 4-hour ordeal the offence committed would have stopped short of murder and under the 2014 Law those girls could not have served a custodial sentence. The No. 2 Law amends the 2014 Law and re-establishes the position that we are in today so it allows for a child to be detained for both murder and a serious offence. The third change extends the role of the placement panel. Under the 2014 Law the panel can only determine the place of remand or the place of detention for young people who have committed a lesser offence. Under the No. 2 Law the panel's remit is extended to include all children who are on remand who have committed a serious offence or murder and all young people who are on remand or who have committed a lesser offence, a serious offence, or murder. It allows for our placement panel, who have knowledge of the circumstances surrounding the life of a child or young person, to determine whether it is appropriate for them to spend all or part of their sentence in Jersey without recourse to the U.K. Secretary of State. Unless of course the panel determine that the needs of that child or young person cannot be met in Jersey and that they must, therefore, be detained in a U.K. facility. The fourth change relates to the status of children or young people who are on remand or who are detained. Under the No. 2 Law they will all be treated as looked after children under the care of the Minister for Health and Social Services as opposed to the Minister for Home Affairs. This is regardless of whether they are in Greenfields or the Young Offenders Institute. It is a significant change which ensures that our focus on the needs of the child - not the deeds of the child - are also recognised. In most cases, albeit not all, a child or young person who commits a crime in Jersey is already known to our services. Most usually because they are vulnerable or have needs that arise from their life circumstances. A child who is looked after as a result of being detained will, to all intents and purposes, be the same as a child who is looked after on the basis of their welfare. The Minister for Health and Social Services will be responsible for ensuring that they have access to social work support, for safeguarding them and promoting their welfare but ascertaining their wishes and feelings, plus those of parents, with regard to decisions taken about them and for making provision for advice and befriending support. The Minister for Health and Social Services will also hold the power to direct the placement panel to review any placement decision in the event that the Minister does not believe that decision is in the best interests of the child or young person. Obviously, however, there are some differences between looked after children who are detained and those on welfare orders, most notably that the Minister for Health and Social Services cannot determine the period of detention. That will be for the courts. All of the changes brought about by the No. 2 Law are compliant with the European Convention on Human Rights and the United Nations Convention on Human Rights. While under the No. 2 Law a 17 year-old could receive the same sentence as an 18 year-old for a driving offence that 17 year-old will nevertheless be treated as a juvenile in the criminal justice system. They will go to the Youth Court as opposed to the Royal Court and benefit from all the associated protections. This includes that court being satisfied that only a custodial sentence would be adequate to protect the public or that the totality of offending is so serious that a non-custodial sentence cannot be justified. The No. 2 Law maintains the current age of criminal responsibility, which is 10 years old. While the U.N. (United Nations) C.R.C. (Committee on the Rights of the Child) Committee has stated that that age, below 12, is, in its view, not acceptable it nevertheless does not require us to change our position. The Attorney General has, however, issued a direction stating that: "The prosecution of children under the age of 12 years can only occur in the most exceptional of circumstances of cases and only with his express consent and that there is to be presumption against prosecution of children aged 12 and 13." It can only happen with his consent or that of a Crown Advocate. The Children and Vulnerable Adults Policy Group will review this position at the end of 2020. In conclusion, the No. 2 Law provides an opportunity for us to improve on the 2014 Law. It will help to ensure that we have better systems for dealing with and for meeting the needs of children and young people who commit

offences in order for them to be supported, to become full and contributing members of the Island community and I recommend the No. 2 Law to the Assembly.

The Deputy Bailiff:

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

8.1.1 Deputy L.M.C. Doublet:

Firstly, I wanted to thank the Minister and her department for the communication with my panel on this and we have been kept very well informed with briefings, so thank you for that. I just had some questions, some of which I did raise at the briefings but just to confirm to the Assembly.

[15:45]

For the differentiation with regards to driving offences for 17 year-olds, can the Minister just give an assurance that this information will be clearly passed on to 17 year-olds, perhaps at the point when those transitions are made to being a driver. So maybe when they pass their test or pick up a driving licence will there be a leaflet or something to inform them of their responsibilities under the law? Secondly - and this one has just occurred to me - are young offenders in the system at any point offered counselling services as standard? The third question I had, I am not sure if this would be for the Solicitor General or for the Minister. This is about, perhaps, a more sensitive area where a serious crime has been committed by a young child under the age of 12 and it states: "That prosecution would only occur in exceptional cases with the consent of the Attorney General." I am just wondering, is there a timescale on gaining that consent. I would hate to think of a child, who is obviously going to be a vulnerable child if they are in this situation, of any delay in resolving that case, perhaps a child being in custody for even a day longer than they otherwise would be and lengthening that process. So will that be a quick process of gaining that consent? Some idea of what the timescale would be to gain that consent please. I think that is all my questions.

8.1.2 Deputy A.D. Lewis:

It is just a question for the Minister. I certainly welcome the changes immensely but there has been concern for some time about the use of Greenfields, or rather lack of use of it, and she refers to it on page 6 by saying that the current law: "A child or young person can only be placed in Greenfields if they are on remand" and that has been well-known to us for some time. But I do not find anywhere else in the proposition whereby that is changed. I just wondered if the Minister could answer that perhaps in her summing-up because, as she knows, keeping young people in a prison, particularly the young offenders wing in our current prison, is a lot less desirable in my view and others, than at Greenfields. I will accept that some cases may not be able to be accommodated in such an institution, but can she just confirm that it will no longer just be remand prisoners that can be detained at Greenfields and it will be open to the courts to use it for other purposes as well?

8.1.3 Senator Z.A. Cameron:

I just wondered if the Minister could clarify what provision exists for assessing these young people's developmental age and in particular their social and emotional development and what provision there is for mitigating against that or whether it is just based on their actual age?

The Deputy Bailiff:

Does any other Member wish to speak on the principles? Very well, I call on the Minister to respond.

8.1.4 The Deputy of St. Peter:

Shall we take that final question first as I think it might be a matter for Law Officers as I presume that if the developmental age of a child was taken into account that would be a matter for a court.

The Deputy Bailiff:

Solicitor General, are you able to assist the Assembly?

Mr. M.H. Temple Q.C., H.M. Solicitor General:

I am not aware of any specific guidance on it but clearly it would be one factor that the court would take into account in all the circumstances of the case but I am not aware of anything specific on it.

Senator Z.A. Cameron:

I wonder if the Minister could then look into that because full brain development, adult brain development does not ...

The Deputy Bailiff:

Well, I am sorry, Senator, this is ...

Senator Z.A. Cameron:

Yes. I am just asking whether it would be possible if she could reassure the Assembly.

The Deputy Bailiff:

No. Senator, the rules of debate do not permit you to intervene in the closing speech being given the Minister.

The Deputy of St. Peter:

I thank those who have asked questions and indeed I would be very happy to look into the issue of addressing the developmental age of a child or young person who came before the court and I will seek some further information on that point. I think Members have very quickly understood the issues behind this. It is important to address Deputy Doublet's points as well. In terms of a 17 year-old and a driving offence I think that is an excellent suggestion that perhaps some information should be disseminated at the Parish Halls when people go to collect their provisional licence. Obviously there will be a communication of the changes that will hopefully be agreed by the Assembly today so that will be in the public domain but it is a very good point that we should ensure that these points are communicated and particularly to young people who may not be following the decisions of the Assembly as closely as others. So I take that on board and thank her for the most helpful point. Counselling as standard: the purpose and one of the key points that we have tried to address in this is that the measures are taking into account the well-being of the child or young person and their rehabilitation so I would assume, and I am afraid I have to say I assume, that counselling will be part of that process, particularly being a looked after child and indeed, on that point I will also check. To answer Deputy Andrew Lewis' point regarding Greenfields, I can confirm that it will no longer be the case that Greenfields will only be available for those on remand. It will be for the placement panel and it is under the rules in relation to the placement panel. They will be able to decide the most appropriate location, whether it be the Young Offenders Institute, whether it be Greenfields that the person will be detained. So that answers all of the questions, I hope. The timescale, sorry, yes. Would the Solicitor General have a point about the timescale in relation to those under 12? In my communications with the Attorney General on this point I have understood that he takes this extremely seriously and I would imagine and ensure that the Attorney General would deal with any such issues on an extremely rapid basis, as one would expect. I commend this No. 2 Law to the Assembly and ask for the appel.

The Deputy Bailiff:

You call for the appel. The appel is called for. I would invite Members to return to their seats. If Members have had the opportunity of returning to their seats I will ask the Greffier to open the voting.

POUR: 39		CONTRE: 0		ABSTAIN: 1
Senator P.F.C. Ozouf				Senator Z.A. Cameron
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Deputy Bailiff:

Does the Education and Home Affairs Scrutiny Panel wish to scrutinise the matter, Deputy?

Deputy L.M.C. Doublet (Chairman, Education and Home Affairs Scrutiny Panel):

No, Sir.

The Deputy Bailiff:

How do you wish to deal with the matter in Second Reading?

The Deputy of St. Peter:

Please, Sir.

The Deputy Bailiff:

How would you like to propose the Articles?

8.2 The Deputy of St. Peter:

En bloc, thank you.

The Deputy Bailiff:

Are the Articles seconded *en bloc*? **[Seconded]** Does any Member wish to speak on any of the Articles?

8.2.1 Deputy L.M.C. Doublet:

I wonder if I could just ask the Solicitor General again the question of how long would it take to gain the consent of the Attorney General where a child under the age of 12 has committed a serious crime. I am concerned that a child might be waiting in custody or that that would just cause a delay.

The Solicitor General:

Investigation of a serious crime is likely to take a substantial amount of time usually before a decision to charge is made. It is extremely unlikely that a child of that sort of age would be held on remand in those sort of circumstances but the issue would be dealt with by the Youth Court at a specific hearing where it would be looked at in detail. As far as securing the Attorney General's specific consent to a prosecution is concerned, it is not really an issue because in practice the Attorney General is directly involved in decisions to charge and when he makes a decision to charge, if there is a requirement to obtain his specific consent, then he will usually deal with that process at the same time.

The Deputy Bailiff:

Does any other Member wish to speak on the matter in Second Reading? I call on you to respond, Minister.

8.2.2 The Deputy of St. Peter:

I do not feel that there have been any further points really and I hope that Deputy Doublet will be reassured by the comments of the Solicitor General and I can, once again, convey that I have full confidence in the Attorney General's interest in this process and I commend the proposition once again.

The Deputy Bailiff:

Sorry, did you say you called for the appel or did you just move the proposition, Minister?

The Deputy of St. Peter:

Yes, please, Sir.

The Deputy Bailiff:

You called for the appel. The appel is called for. I invite Members to return to their seats. If Members have had the opportunity to return to their seats I will ask the Greffier to open the voting.

POUR: 38		CONTRE: 0		ABSTAIN: 0
Senator P.F.C. Ozouf				
Senator I.J. Gorst				
Senator L.J. Farnham				

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

The Deputy Bailiff:

Do you wish to propose the matter in Third Reading? Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All Members in favour of adopting the law in Third Reading kindly show. Those against? It is adopted in Third Reading.

9. Draft Licensing (No. 18) (Jersey) Regulations 201- (P.34/2016)

The Deputy Bailiff:

The next matter is the Draft Licensing (No. 18) (Jersey) Regulations 201- lodged by the Minister for Economic Development, Tourism and Culture and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Licensing (No. 18) (Jersey) Regulations 201-. The States, in pursuance of Article 93 of the Licensing (Jersey) Law 1974, have made the following Regulations.

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

The Assistant Minister, the Constable of St. Brelade, will be acting as rapporteur for this item.

9.1 The Connétable of St. Brelade (Assistant Minister for Economic Development, Tourism and Culture - rapporteur):

I do hope that Members will take this amendment to the Regulations of the 1974 Licensing Law as a simple amendment to allow Islanders to celebrate a remarkable achievement; that of our Queen reaching the milestone of her 90th birthday. **[Approbation]** Before I deal with the details of these draft Regulations I would like to make it clear that they concern only a temporary amendment to the licensing arrangements and they are not intended to be any indication of future intent in respect of any new licensing law or of the Shadow Alcohol Licence and Policy Group. The new licensing law is a separate issue and one which this Assembly will have ample time to consider. The intention of the Shadow Alcohol and Licensing Policy Group, which is overseeing the development of new legislation, is to bring the primary Liquor Licensing (Jersey) Law to the Assembly before the end of 2016, following this with draft regulations in 2017 and completing the process of bringing the entire package into force by 1st January 2018. These Regulations do not affect either the content or the timing of that work and the timing being looked at is very much with Scrutiny in mind with the draft new law, but really that is for another day and really another debate. The draft Regulations will temporarily amend the Licensing Law (Jersey) 1974 to allow pubs to open for 2 hours later than normal on the occasion of Her Majesty's official 90th birthday. As the extension is only to 1.00 a.m., only first category taverner's licences which are held by pubs, will be affected as all other on-licences run to 1.00 a.m. or later. Off-licences will not be affected by this amendment. The arrangements for drinking-up time are preserved so the effect will allow patrons to be served alcohol until 1.00 a.m. on the 2 nights in question and to allow the public to remain on licensed premises until 1.30 a.m. Without these Regulations individual premises could apply to the Bailiff for a special licence extension which could result in the Bailiff's Chambers receiving applications from up to 145 first category licence holders. It seems to me to be a more democratic and sensible solution to allow the Assembly to decide on this matter. The Assembly has extended licensing hours for notable events in the past. I think most recently the Royal wedding in 2011 and Members will recall that all on-licence premises were permitted to open for a 24-hour period spanning the New Year celebrations. This 2-hour extension is the same as the annual extension granted to pubs every New Year and this extension is in line with the arrangements that are going to take place within the U.K. There will be no obligation upon licensees to remain open for the duration on either 10th or 11th June for the duration of the extension if they do not wish to do so.

[16:00]

Pubs which wish to close either at 11.00 p.m. as normal or at any other time before 1.00 a.m. will be able to do so. If these Regulations are adopted the Judicial Greffe will publish a notice in the *Jersey Gazette* to inform licensees and the public of the temporary changes to permitted hours. Put simply, this will allow Islanders to celebrate in the same way as those living in other parts of the U.K. and I commend this proposition to the Assembly.

The Deputy Bailiff:

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

9.1.1 The Connétable of St. Martin:

A Member mentioned this morning - I am not sure if it was a he or she - whether my heart was in it or not. My heart is certainly in it. It might be my head that is not because of labyrinthitis. That is why I am holding on to the desk, but I will battle on. I know we have a doctor in the House. I just remind those Members that are still here of P.28/2011. That was Amendment No. 17 to the Liquor

Licensing Law when Article 92(a) was introduced for the Royal Wedding in 2011. One Article and the citation, 2 pages in a law amendment. It resulted in 20 pages of Hansard and that was in fine font, narrow margins, too. It was so long in the fine print I had to speed read through that debate. I think 26 Members spoke during that debate, as unusual as it may seem. Some tried to speak twice. That does not happen. It was finally adopted by 37 votes to 11 in favour and it was allowing for the 2 nights of drinking, late opening, for the Royal Wedding. I suspect the same arguments would apply and the same points of view maybe apply today. We have no comments this time from the Minister for Home Affairs, but the Minister for Home Affairs at the time had quite strong views. It divided Members on a whole number of issues, if I could just mention some of the comments that were made: “What a totally unedifying debate this has been. I have been critical of ministerial government” and then they went on about Clothier. “Departments are operating in silos and no co-operation.” There was a comment: “What logical connection is there between a Royal Wedding, which starts at 11 a.m. on a Friday, and the extension of licensing hours on the evening of the Saturday into Sunday?” Another comment: “Are the good people, and particularly the good royalists, of Jersey, among whom I count my lovely wife” - I am talking about the former Senator Le Marquand - “really going to require 38 hours to celebrate this event?” Finally, a comment: “It is enough to drive a man to drink.” **[Laughter]** I am not sure this debate needs to last as long as it did last time, so Members might say: “Why do you not just sit down?” But my heart is in it and I will speak. I think the arguments, as I said, are probably the same as they were then. Noise is likely to be endured by those St. Helier residents that live near a pub or on the route home from a pub, and that is before we get to the 1.30 a.m. restaurant leavers and nightclub leavers that do not have a designated nightclub licence. Then again at 2.30 a.m. when the designated nightclub leavers make their way home. Why do we need to have pubs open until 1.00 a.m. when the licensed premises like the restaurants and nightclubs, private clubs, residential licences, can stay open already until 1.30 a.m. or 2.30 a.m. and the comprehensive licence people can carry on drinking inside those premises all night? On an Island where drink-fuelled crime has risen once again and we have the local newspaper only 4 weeks ago telling us that there are calls for licensing rethink as drink-fuelled crimes rise and drink-related incidents are up 11 per cent? Of course, there are health issues and I am not sure if the Minister will be speaking, but I think he might be in a moment. On an Island where we continually try to address the health issues associated with excessive drinking and try all sorts of methods to do that, there we are trying to extend for quite a remote reason really, I believe, the 90th birthday of a gracious lady, and late-night drinking, and then over 2 nights. The correlation is quite remote. I can probably understand such extensions if it related to matters that have happened in the past. I think World Cup football, rugby, cricket may be taking place in the early hours of the morning, or even an opening of premises early at breakfast time. At the end of the report itself, there just happens to be the televised European championship matches the same evening as this proposition relates to. Therefore, there are likely to be more police officers on duty to deal with the drunken behaviour. I think we are just shooting ourselves in the foot by saying it is not going to happen and then we are saying we will have more police on because we are likely to get drink-related incidents because of the football. This proposition is no more than allowing first category licences, we understand that, to hold 2 hours extra for the 2 nights. Then we move on. Why 2 nights? I have no idea why we have 2 nights of this. Basically, because we are just following the U.K. and nothing else. It differs from last time as well because with the Royal Wedding, the Royal Wedding happened at the same time as a bank holiday. There is no bank holiday on this occasion. If it is taken into its entirety, this proposition cannot be split to make it a one night. We have to support the 2 or not at all. I questioned the department last month whether each licensed premises could apply, as the Assistant Minister said, to the Bailiff individually for a special permit under Article 9. The research on Hansard on the last occasion showed that, too, was raised in 2011 when the then Bailiff had advised the Assembly that he could not issue a blanket permit as a back door of granting the extensions and that he had received advice from the then

Attorney General that those permits were for specific premises for an occasion, a special occasion, and not a blanket permission to anyone else seeking to apply for the particular day. So the data is very much on the same sort of things. If I could just finish off, I thought I had celebrated the Queen's birthday on 21st April of this year. While accepting Her Majesty has 2 - in fact, she might have 3 - parties by the sounds of it, to extend over the 2 nights, I cannot see the reason that is there at all. I am not sure what the managers of the licensed premises are going to provide to the patrons. There is no mention of anything in the paper that they are going to provide any sort of entertainment. If it is anything to go by, at the recent Beating Retreat at Weighbridge Place during the Boat Show, many hundreds of patrons of a licensed premises alongside that evening spoke and laughed and joked throughout the Beating Retreat ceremony, showing little interest or respect, especially at the most solemn part of that ceremony. I have no reason to approve this proposition. I will not be supporting the amendment today, although I suspect it will be successful. The Assistant Minister was aware how I was going to vote. I told him in April and I have told him again recently.

9.1.2 Deputy M. Tadier:

It is probably one of those debates where we should not be debating it in the States because it is too trivial, like anything, but we are not yet in the future when all decisions are just made by the Council of Ministers and nobody else is allowed to have a say, so I think these kinds of fora are quite good. I think this is a great idea. What better way to celebrate Her Majesty's birthday than by going out and having a few drinks if you want to? I do not think there is any obligation to go to the pubs. **[Laughter]** I think when you are in the pub there is no obligation to consume alcohol either. You might want to have one pint of shandy and then take it easy for the rest of the evening. In fact, I think we should do this more often. We should probably do it any time anyone in Britain turns 90, otherwise it could be considered favouritism. We should also consider perhaps rolling it out in Jersey more frequently, perhaps when it is the anniversary of Reform Day, for example, on 28th September, which marks the events of 1769, which we know this Assembly in the past said was an important day. We could do it then. Of course, we do not want to make this into a debate about licensing, but I think there are a couple of salient points which could be made at this point. The first one is that as somebody who likes the occasional drink and to go to pubs but less likely to go to nightclubs for the exact reason that they are often too noisy and you cannot sit down or stand up and have a decent conversation, the Constable has already made the point that there will be these places open until 1.00 a.m., possibly 2.00 a.m. in some cases anyway, and that is not just on this day. It is generally. It does beg the question in future why we have this strange system, which we can all perhaps attribute to various different causes in the past which are no doubt in many ways anachronistic and no doubt have something to do with a combination of paternalism and Methodism, which are no longer quite as relevant today as they may be at some point in the past. So people finish work and want to go out and either celebrate the Queen's birthday or celebrate more generally because they have friends who want to go out and do that, as you might do if you went to the Netherlands for Queen's Day over there, or King's Day as it has been also. It is just a nice event where you can take part in some camaraderie irrespective of whether one is particularly royalist or not. But it does seem to me that we need to get to grips with licensing more generally. What is the difference between sitting in a pub having a quiet pint ... you might have finished work at 10.00 p.m. It is inappropriate perhaps for you to get kicked out at 11.30 p.m. and be forced to some rowdy and noising drinking den at a club where you cannot have a decent conversation. I think all these things need to be put in the mix. No doubt there will be some people who will be looking at this thinking could we use this as some kind of test to see how this goes and if it works out, could we extend this right across the board? For some that will be a welcome test case; for others, it may be seen as the thin end of the wedge. I hope that the Minister for Health and Social Services is going to speak, though, because it does tend to send out a slightly inconsistent message, which I think is what the Constable of St. Martin was saying. We know that Jersey has a national

sport, the U.K. has a national sport, which would probably be football, and we know that we also have a national pastime or certainly the national drug, which is alcohol, which it seems to be okay for one Minister and one department saying, yes, find any excuse you can to go out, get inebriated, get out on the street, do whatever within the boundaries of the law after that, but we have the Minister for Health and Social Services saying we have a problem in Jersey with the drinking culture, with the binge culture, which is among the worst in the world and certainly on par with the worst in Britain. So I would like to hear what kind of comments and thought has been given at the top and were other ways considered that perhaps would have been more fitting to celebrate the 90th anniversary. I know that in the past, much to the glee of numismatists around the Island, coins were issued to celebrate certain events like the Liberation. It might have been a nice gesture to issue a special coin which would have been given specifically to those in the Island who are 90 years old or above so that they could have some kind of keepsake - it does not need to be a coin - to remember those because I think those are the ones of the same generation who would have perhaps found the occasion chimes the most with those individuals. Yes, not wanting to make too much of this proposition, it does certainly raise some interesting questions, which I think may be answered in the future.

9.1.3 Senator P.F.C. Ozouf:

I am glad to follow Deputy Tadier because he said a number of things that I agree with. I like numismatists and Senator Green is trying to find the word for people who like notes. I like notes as well. We had a £100 note, which was not quantitative easing, which celebrated the Diamond Jubilee of Her Majesty. Of course, we are not Great Britain. We are not part of the United Kingdom, but we are greater Britain. In many ways, equanimity puts the “er” into “greater”. That is what we say anyway in terms of celebrating. That is a line I have used on a number of occasions. I think that we do not need to have a debate about licensing, but all we do need to perhaps say is that people will be celebrating up until 1.00 in the morning. If anywhere is safe for drinking, it is within licensed premises as opposed to off-licences. So parity might be better. An off-licence is uncontrolled and licensed premises are controlled, and I know that our authorities do as reasonable a job as they possibly can in terms of licensed premising and controls. I agree with this. It is not a case of being a prohibitionist. It is not a case about only getting sloshed and celebrating a 90th birthday. Alcohol in moderation in a properly controlled sense in a licensed premise is a perfectly acceptable thing to do, and I certainly will not feel bad going to a licensed premises until 1.00 in the morning if anybody ... I tend to go with something on my head so nobody recognises me these days, like most States Members, but I do not think it is a bad thing. It must be a good thing and I congratulate the Assistant Minister for bringing forward what is a reasonable proposition. He is not opening off-licences. He is opening on-licences and that must be a good thing, surely.

9.1.4 Deputy A.D. Lewis:

I have to say with great respect to the Constable of St. Martin, bah humbug does come to mind, but I know his intentions are honourable. The fact is that, and Senator Ozouf just declared this very well, the issue we have with alcohol in St. Helier, having been involved with it some time ago, is very much with off-sales, before people get out and go clubbing or to the pub.

[16:15]

I know we are not having a debate about licensing today, but that is where the issue lies. I believe that the authorities - the States of Jersey Police, the Honorary Police and other agencies - have done a fantastic job in the last 10 years to make St. Helier a much safer, more enjoyable place to be of an evening, and I do not believe that this minor change will make any difference to that. In fact, I would like to see it extended more often as we prove through good policing that we can have a vibrant St. Helier and still have flexible licensing laws. One caveat to that, though. I would like to

know what consultation the Assistant Minister and his team have had with St. Helier residents because many of you who do not live in St. Helier will perhaps not experience this as often as others, the rowdiness in town when it does occur for residents. It is a residential town. It is a bit of a concern to some residents, so I am not sure what consultation has occurred. I would like to know that he does have on board the Connétable of St. Helier and other Parish authorities to ensure that as much as possible is done to minimise any disturbance to residents of St. Helier, in particular my own constituents but not least the other Deputies would have a similar view, I am sure. However, I would be happy to endorse this proposition and vote for it. It is about celebration. It is about entertainment. It is not just about drinking. The Minister for Health and Social Services is giving me his beady eye there. There is a big health issue here, I do appreciate that. I am not a great drinker myself, but there are plenty of people that go out and have fun of an evening in some of these establishments, being entertained but not necessarily drinking to excess. I think the Health Department has done a very good job in promoting the issues around alcohol. There is more to do for sure, but not allowing people to drink late at night and be entertained as well, not necessarily drinking to excess at all, I am afraid is just a bit nanny state in my view. Sorry, Constable of St. Martin, but bah humbug, let us just get on and propose this and let people enjoy themselves now and perhaps on more other occasions in the future.

The Deputy Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, I call on the Minister to respond.

The Connétable of St. Brelade:

[Laughter] Yes, sorry, I did not hear you, sir.

The Deputy Bailiff:

I should have said the Assistant Minister, but yes, I call on the rapporteur to respond.

9.1.5 The Connétable of St. Brelade:

I am not going to carry on too long, but I do wish to make a few comments. I was very much aware of the Constable of St. Martin's view. I think he has held it for some considerable time. This is not the Royal Wedding; this is a one-off. We have Royal Weddings quite regularly. I do not think we are going to see another 90th birthday of a monarch for some considerable time, so I think we need to take that into account. I did mention the number of first category licences there are, and there are a large number. They are likely to make applications to the Bailiff's Chambers and there is going to be a great deal of administration for that, so by voting here today in regards to allowing this, I think it will prevent that to some degree. As I have clearly stated, it is agreed in other parts of the U.K. Members need to decide whether they want to deny locals the same opportunity. It is 2 nights and I understand why 2 nights, but again we should not follow the U.K. with everything but maybe with something like this it is a one-off celebration and I am all up for a couple of nights of celebration. In terms of Deputy Tadier, he is right in many ways. I think we do need to probably be more flexible moving forward, but that is a decision I think the Alcohol and Licensing Policy Group are going to make moving forward. There are a lot of discussions in the group. There is a lot of to-ing and fro-ing. We all have our own views about where licensing should go. Clearly, the Minister for Health and Social Services, I appreciate him maybe not commenting today but I understand his views and I respect his views. We do work together and we have worked together on the consultation response that is going to come out very soon. Sometimes we have very difficult discussions where we all have to compromise, but again that is for another day. In terms of another way to mark the anniversary, no, it is not something that the Economic Development, Tourism, Sport and Culture Department have thought about. I do not believe that is true maybe of the Chief Minister's Department either, but I appreciate Senator Ozouf making comments about the £100

note. I think it was the right thing to do at the time. As far as headgear, I am the same unfortunately. When I go into a pub, I have to wear something on my head because I am a little bit visible. In regards to Deputy Andrew Lewis, I totally agree with his comments around the police in regards to the great job that they do, both the States and Honorary Police. They have made St. Helier safer over a period of time and I understand his views about extending hours more often. There has been no consultation with residents. Maybe we should have done, but again rather than just St. Helier, if we are going to consult we should have been consulting Island-wide. It is not something we considered; I think very, very difficult to do on a subject like this. But I agree with him about celebration not just about drinking, it is about being entertained as well. I think that is about all I have to say. I think it is a very positive thing. I think it is an opportunity for Islanders to celebrate with the rest of the U.K. I am looking forward to it and I think as an Island we can make the most of it. I know the Minister for Home Affairs has not commented on it and I know some people are a little bit concerned about police resources and what that might mean to them. There are a couple of comments that I asked one of the officers to look for, and this was going back to 2011. I do not believe everything I read in the *J.E.P. (Jersey Evening Post)* but there was a comment that there was no additional draw on police resources. That comes from an official source. From the actual States of Jersey Police website itself, just something to remember: "Police report that while unable to identify specific reasons, that Bank Holiday weekend with extended licensing hours produced a different dynamic in town tonight to usual. There did not appear to be the large numbers moving from one establishment to another at peak times and the town centre certainly appeared to have a more relaxed cosmopolitan atmosphere. Arrests for drink-driving, public disorder and antisocial behaviour were down. There were other evident contributing factors to a peaceful weekend and that included taxi marshals, street pastors, and obviously the Honorary and States Police." So I think their view was quite open and I think very supportive. I hope Members will be supportive when they come to vote on this amendment.

Deputy J.A. Martin:

Can we have the appel, please?

The Deputy Bailiff:

As the appel is called for, I invite Members to return to their seats. If Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting.

POUR: 37		CONTRE: 3		ABSTAIN: 0
Senator P.F.C. Ozouf		Senator A.K.F. Green		
Senator A.J.H. Maclean		Connétable of St. Martin		
Senator I.J. Gorst		Connétable of St. Saviour		
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy K.C. Lewis (S)				

Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Deputy Bailiff:

Does the Economic Affairs Scrutiny Panel wish to scrutinise this, Deputy?

Deputy S.M. Bree (Chairman, Economic Affairs Scrutiny Panel):

No, Sir, we do not.

The Deputy Bailiff:

Assistant Minister, how do you wish to deal with the matter in Second Reading?

The Connétable of St. Brelade:

En bloc.

The Deputy Bailiff:

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

The Connétable of St. Brelade:

Yes.

The Deputy Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak in Third Reading? Those Members in favour of approving the Regulations in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading.

10. Draft Discrimination (Age) (Jersey) Regulations 201- (P.37/2016)

The Deputy Bailiff:

The next item is the Draft Discrimination (Age) (Jersey) Regulations lodged by the Minister for Social Security. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Discrimination (Age) (Jersey) Regulations 201-. The States, in pursuance of Articles 5 and 47 of the Discrimination (Jersey) Law 2013, have made the following Regulations.

10.1 Deputy S.J. Pinel of St. Clement (The Minister for Social Security):

We have achieved a lot over the past 2 years, introducing protection against discrimination on grounds of race, sex, sexual orientation, gender reassignment, pregnancy and maternity, but now we turn to an issue that affects us all. Age is a bit different from the other characteristics. We all have an age and we all move from one age to another. Our age is inseparable from our life story and our experience. At different stages in our lives we have different needs, different strengths and different weaknesses. We do not want to create a situation with this law where employers or service providers are prevented from recognising and accommodating those different needs. Valuing people as individuals and capturing their contribution regardless of age is at the heart of these Regulations. What the Regulations do, first of all, is make age a protected characteristic. It is important that everyone is protected by these Regulations, both the young and the old, subject to the exceptions that we will come to later. The Regulations may seem to consist mainly of exceptions. This is unavoidable because the primary legislation already exists and each time we bring a new characteristic we simply insert the characteristic with its related exceptions. But it is important to remember that the main thrust of the Regulations is to make age discrimination unlawful. The main difference in our approach to age discrimination compared to the other characteristics is the inclusion of a general defence. The general defence means that direct discrimination - which is less favourable treatment on the grounds of age - will not be unlawful if it can be shown to be a proportionate means of achieving a legitimate aim. We thought carefully about whether this general defence was needed, given that it is not available for the other characteristics, but it became apparent through the consultation that there were too many circumstances in which age was a relevant factor that needed to be taken into account, to list them all individually and be sure that we had captured everything. There are of course circumstances in which everyone would accept that different treatment based on age is not only justified but is necessary, and so we have included some specific exceptions to remove any uncertainty. For example, in schools we all accept I think that different treatment based on a child's age is unavoidable. When it comes to pensions, insurance, and financial services, age is simply an unavoidable factor that will have to be taken into account and the Regulations allow for this. Nor do we propose to make Club 18-30 or Saga Holidays for the over-50s illegal. However, the most important issue that these Regulations deal with is retirement. We must do more to value the contribution made by older employees and we must move away from the assumption that when you have reached some arbitrary age you are fit for the scrap heap. On the other hand there are obviously some jobs where the employer might have a legitimate concern about older employees. We also have to acknowledge that many employers have relied on the prospect of retiring at a certain age as part of their workforce and succession planning. The current position is clearly unacceptable. An employer can set an arbitrary retirement age and employees have no right to challenge that. People's expectations around retirement age are rapidly changing. In 2008 the Jersey Annual Social Survey reported that the median age at which people plan to stop working or had stopped working was 60. By 2015 that age had increased to 65. The Regulations take a phased approach to introducing this important change. From 1st September this year an employer will be entitled to rely on a policy of requiring employees to retire at pensionable age, which is 65 for most people. There was evidence from the consultation that employers across various sectors in Jersey require employees to retire below age 65. There will be some circumstances where an employer

can show that retirement under age 65 was a proportionate means of achieving a legitimate aim. However, in the main, any such dismissal will be unlawful discrimination from 1st September 2016. There is considerable improvement in the rights of older workers in Jersey, while also acknowledging the legitimate needs of employers to manage issues around retirement. This position will continue for 2 years. From 1st September 2018 there will no longer be a specific exception for retirement and the forced retirement of an employee at any age will only be lawful if the employer can justify it. We will also change the unfair dismissal rules so that an employer will have to show why retirement at a particular age is a proportionate and legitimate requirement, and show that it has acted fairly. It is clear that we are all going to have to change the way we think about retirement age. I would urge all employers in Jersey to think carefully about the contribution made by older employees, after all, in the year when we celebrate the tremendous contribution of the Queen at age 90, we must remember the value of people as individuals, regardless of age.

[16:30]

We received a good response to our public consultation which showed that the proposals and the exceptions were generally supported by respondents. Since we released the consultation outcomes a number of respondents have contacted the department to praise the policy decisions, particularly on retirement. I am pleased to say that these comments came from both representatives of employers and representatives of employees. I feel that through our consultation we have managed to reach an appropriate balance for this new protection and I hope Members will support the Regulations. Sir, I propose the principles.

The Bailiff:

Are the principles seconded? **[Seconded]**

10.1.1 The Connétable of St. John:

This is the third, as the Minister pointed out, in a series of discrimination laws. Last year we had Sex Discrimination Law, a most unfortunate title - it would have been far better to have called it the gender equality law. As the Minister may remember, last year I abstained, perhaps because I was new and shy. **[Laughter]** This year I am no longer shy. If one was to hypothetically take an example of the Sex Discrimination Law, imagine if you will going into a doctor's surgery, sitting down on the last available seat and a gentleman comes in, sees all the seats taken and stands in the corner. Then a lady comes in. With my upbringing I would automatically stand up and offer her my seat, and there I have broken the law because I have discriminated against the man who has walked in. It is only a matter of time before that will be challenged and it is not a matter of if, it is when. Moving on now to today, we are faced with age discrimination. I was in London last year and I went on the underground, when I got on - a daring move for a Jerseyman, yes - I got on the underground, the seats were all taken and I was able to grab one of these vertical poles to steady myself. All of a sudden a young man, aged 18, 19 or something, stood up and said: "Would you like my seat?" I was confused. I looked at him and I said: "No." Well, the cheeky little so and so, he was inferring I was an old man and would I like to sit down. When I managed to get over my embarrassment I realised, I thanked him profusely and said I was getting off at the next stop, which I duly did, walked down 2 coaches, and got back on again. **[Laughter]** So what exactly is being proposed? There is some very, very thick documents which will certainly keep the printer in a job for a long time. But one of my concerns is that this law has more exceptions than it has compliances. For example, thou shalt not discriminate except in education in schools. Well, that is reasonable. Thou shalt not discriminate except in age-related holidays. Well, thank goodness for that, I would hate to have old wrinklies on my Club 18-30 holidays. Thou shalt not discriminate in sports and competitions. Well, there again that is a jolly good thing too because could you imagine coming home if you had taken part as a parent in the under-11s race: "Dad, you let Johnny beat

you.” That embarrassment will not happen, thankfully. There are 2 pages here of exceptions and it reminds me of when I was at school and I was taught I before E except after C, but there are 27 exceptions and there are only 18 compliances, so why was I taught I before E except after C. What exactly is this law trying to do? The answer is, as the Minister correctly pointed out, focusing on retirement. So when exactly did retirement come in? It came in a very long time ago, before I was born, 2 generations ago in the early 50s. A retirement age was set at 65 and in order to enable this retirement to occur a pension was provided. The 2 have become inextricably linked ever since and there lies the problem. If I could just give a simile. If you get a splinter in the leg, what do you do? Well, you could take an ambulance to hospital, the hospital can bandage your leg, give you an antibiotic injection to stop the infection, give you a painkiller, keep you in overnight for observation and this is what the Minister is trying to do. But my solution would be far simpler, firmly grasp the splinter and pull it out. So when we come to this retirement age issue, why not simply say so. Repeal the law of 1900-when-ever-it-was, formalising a retirement age. So instead of this 130-page document, or whatever it is, that I have here that nearly broke my letterbox, one could have just simply written down in 4 simple words, no formal retirement age, because that is all it is about. Then people know exactly where they are. If you have 2 people applying for a job and you are a small businessman ... and this was something that severely aggravated me, the discussion that took place, the presentation that took place at the Société, which the Minister did, presented by a lawyer who said: “Oh, if there is any query you can go to a tribunal.” Yes, that is all right for lawyers but for the small businessman, the plumber, the electrician, the restaurateur, the small shopkeeper; they cannot afford to go to tribunals and that is a serious issue and I believe that the individual’s freedom with this legislation is being severely hampered. If we just simply used a common sense approach and said there is no formal retirement age, then there can be no age discrimination and things can be worked out between employer and employee on an equal footing basis and both sides can have a choice as to when they retire and when they need succession within their business and it can be done by negotiation. The whole issue of retirement, basically, should be a personal choice; when you either physically want to retire or mentally forced to retire or financially be able to afford to retire. It is choice, and freedom of choice, and that is what this Assembly should be fighting for. I strongly urge everyone to reject this proposition. Thank you.

10.1.2 Deputy M. Tadier:

I share some of the concerns that the Constable raises but I come from a different point of view perhaps. I suppose the one thing to say is that you cannot solve all of the world’s problems through one piece of law. Obviously that would be naive to expect that but that does not mean that we should not accept certain laws and put them in place with a general overview and aim to create a better society. It is probably also worth saying that in some cases when we pass legislation in this Assembly those laws are designed either to stop people doing certain things or to compel and encourage them to do other things which we would want them to do. But often these things are not so clear cut when it comes to this kind of social legislation and knowing how it fits into the overarching anti-discrimination legislation we are putting forward. It is really because society is constantly evolving. I am sorry if I am just going over old ground which perhaps everyone knows. The point is that sometimes laws precede public opinion and sometimes public opinion and attitudes come before and then laws come in after. I think you could argue that certain laws are unnecessary and I remember standing here in 2008, possibly early 2009, asking the then Chief Minister why we did not have discrimination legislation and his answer was: “Well, agree with the principle, we should all be nice with each other.” Essentially paraphrasing what he said, we should live in a world where people should not discriminate and we should try and create that world and the community, in particular, in Jersey where people do not discriminate. It is instinctive in their psyche but unfortunately not everyone is as well brought up as the Constable of St. John or even, dare I say, the young lad who dared to offer his seat to the Constable of St. John and it is lucky he

did not quip back: “Well, perhaps I can offer you my seat?” because if he was a St. John parishioner it might not have been the wisest thing to do but that is, perhaps, a different kind of seat. So I think you can get into some very interesting philosophical debates when it comes to this especially when it comes to age discrimination and pension ages and I am sure there are points that we might talk on that relate to the different Articles and paragraphs that are being put forward. There are certainly some that I have a couple of issues with. I have a couple of issues, in particular. The first is that there are going to be 3 different ways in which the law works and what I mean is there are 3 different categories. The first is that there will be things that are absolutely prohibited. There will be things that come with this very interestingly worded phrase: “An opportunity to justify discrimination as a proportionate means of achieving a legitimate aim.” That is what we are going to be hearing a lot of and if you are quiet you can hear the noise of the rubbing of hands from the legal community in Jersey when they look at this thinking: “That is great. You have given us so many options in there with ambiguous words that are subjective and that will be interpreted and we will need test cases to be brought forward before we can have some case law on which to base this.” We know, of course, there will be some case law in the U.K. and that was very much the theme that the presenter of the presentation, when we looked at this discrimination law not so long ago. I think it was down at the Société. He was talking about the conundrum about getting the balance right and that there is a problem with there not being in the case law in Jersey and I am not even sure how much case law there is in the U.K. when it comes to this same phrase that is being used. I suspect in reality what we are going to see is that a lot of these issues will not be brought to tribunals anyway. That could be partly because of reluctance from the person who perceives they have been discriminated against. It could be because more likely these matters will be settled and they will be encouraged to settle outside of any kind of tribunal forum so we will not even have the case law in the first place. I think that is a problem because of course on the one hand the judicial system increasingly, when it comes to these kinds of matters, is moving towards a more dispute resolution type of scenario which makes sense on so many levels but it does not help when you want to get clarification about what can and cannot be done or what should and should not be seen as the correct processes when it comes to discrimination, especially when it relates to the workplace. So I am going to be looking very carefully at how they justify things like justifiable discrimination, proportionate means and ultimately what a legitimate aim is. I think if you wanted to try and make a phrase any more verbose and opaque you would be hard pressed to do that, so congratulations to whoever thought that one up, and I suspect it was not thought up in Jersey. I think it has just been copied and pasted. I think we can do better than that, to be honest. Then, of course, there is a third category of things which are not prohibited at all and it is this part which I think is particularly interesting. They are ones which, for some reason, that quote, that phrase of words, is not sufficient and they need to be completely exempted and I think many of them are probably sensible and I think they need to be in there and that is quite correct but there seem to be a couple of issues which I am not happy with. If I cite part of the report, it says: “Age discrimination would not be prohibited on education premises and the provision of goods and services.”

[16:45]

Now what concerns me in particular is “premises” in that. It is a very broad term and Members will know that I have got historically a strong interest in housing issues and something that I have brought to the fore is the fact that we can discriminate and often discrimination does take place, not simply in terms of pets, *et cetera*, but there is often a clause put into adverts when properties are advertised through agencies that no children should be accepted. That is a form of age discrimination. I believe it is completely unacceptable anyway especially when we have a scenario where we have a housing shortage and for something like premises to be put in there, which is such a broad term and not even to be subjected to the catchall which could be justified, is completely unacceptable and it closes the door on the Minister for Housing for bringing forward any possibility

of legislation or compulsion to take away that requirement for those advertising properties. Admittedly that is quite a niche, you could argue, concern that I have. I think it is shared by others but perceivably there will be other issues that relate to the addition of premises in that. I have a couple of issues with some Articles and I do not know if now is the right time to address those or when we get to ...

The Deputy Bailiff:

Well, no, Deputy. It will be appropriate when you get to the Articles. Does any other Member wish to speak?

Deputy M. Tadier:

I have not finished though.

The Deputy Bailiff:

I beg your pardon. You fooled me by sitting down.

Deputy M. Tadier:

I think the issue about retirement though is really a critical one. It seems that the way it was explained to us at the presentation, it is a mess really, and I have some sympathy for where the Constable of St. John is coming from. It seems to me we are told that if an employer can justify it they can let someone go and they should also have a policy in their firm which says at what age a retirement should happen. That is what I picked up and if that is not correct perhaps the Minister can clarify that in her summing-up. The issue that I have got is that it is reactive. So a firm, I think, can say to somebody who may be 65, it may well be that they are 69 coming up to their 70th birthday, they get a tap on the shoulder and say: "John, Mary, can you just come into the office for a moment. I am afraid we are going to have to let you go." "Why is that?" "It is because you are ..." well, they will not be able to say it is because you are getting too old because that would go against the principle of the discrimination law although clearly that is the issue. So they are going to have to try and concoct some kind of issue and I know this is exactly the reason that this provision has been put in law, ostensibly it is to try and avoid those kind of awkward conversations by saying: "Well, it is if your eyesight is not getting too good, we need somebody who has got great eyesight or you have got trouble walking." Then it seems to me that we risk going into another component of the discrimination law which is disability. So if you are sacking somebody not because they are too old, because maybe in other aspects they are perfectly fine, you are sacking them because maybe indirectly or partly because of their age they have become infirm in other areas then you are sacking people on disability grounds, which we do not yet have, do we? I do not think we have the component to do with disability. That is going to be the last component to be brought in, no doubt because it is one of the most challenging. The issue is that matter will not be subject to any scrutiny so the proportionality aspect will only be called in to question if the person who has been sacked makes a complaint or who has been asked to retire. One has to question if that is the best way to do it first of all, because I think the person who is on the receiving end of being given their notice may not have the wherewithal, may be in a low position in their life and may not wish to or even feel that they have got it in them to fight this particular case. It seems to me the best way to do this would be to require firms to just be upfront with the department about what their policy is on retirement. That is one option. The other option of course is to, as the Constable of St. John said, not have any retirement age and for everything to be judged on the factors other than age. That is not what we have and I am very uncomfortable about those 2 particular issues as well as some of the Articles, which I will refer to in the second reading. So I think the phrase is, I am not going to throw the baby out with the bath water on this one. I think the law is absolutely necessary and I am glad that 6 or 8 years later I can now be standing here giving general congratulations to the Minister where perhaps 8 years ago it was simply frustration. It

shows how things can and do move on and that is social progress for us in Jersey and that is no doubt because there has been work from across the Chamber on these kinds of issues. But there certainly are issues and I think the point I am making is, a lot of these things I hope will come out in the wash but I think serious concerns about whether there will be much case law coming to the fore on these issues and whether there are too many exceptions rather than the general principle that discrimination is to be discouraged.

10.1.3 The Connétable of St. Saviour:

I will not be too long. I would just like to say I am very grateful for my parishioners because being the oldest Member in the States and still milking my cows at the age of 70, when I was, I have retired from that section of it now. I would like to say that being self-employed my cows did not mind me being over 65 or 70 still milking them; they were not the least bit bothered. My parishioners have given me a second term, they were not bothered about my age. So I would just like to say if you feel good you hang in there and you keep working. **[Approbation]**

10.1.4 Deputy G.P. Southern:

I, too, am stuck on this concept of proportionate in a legitimate aim. The question area I have got is that if you are under 25 you cannot claim the supply of a particular service, if benefits are its service; under-25s cannot claim the accommodation component of income support and therefore many of them cannot afford to leave home and set up their own premises. That seems to me that to distinguish between a 26 year-old and a 24 year-old is an act of discrimination which can hardly be said to be proportionate or nought in a legitimate aim. So I wonder if that can be addressed.

10.1.5 Deputy J.M. Maçon:

Just a question on the technicality because, as I understand it, the law is based on how the pension age is arrived at but of course we know that is going to increase over time. By the time I get there it will probably be 70 or 75, if there is anything left. I just want to know: was there any thought of making sure that this law carries with any changes that are going to happen to the pensionable age. If the Minister could just clarify if that mechanism is not there within this law why would that be taken?

10.1.6 The Connétable of Grouville:

I just wanted to explain why I am struggling with this law. I believe for the same reasons as other speakers. I think it is really going to be tough on small businesses. It is fine for large organisations that have human resources departments. They will work out what they can and cannot do, things like succession planning. I think that is very important among small businesses and perhaps you will have to make a judgment as to whether you can take on a young employee with a view to them taking over the people who are reaching a certain age. I would be quite interested to know during the discussion or the consultation whether businesses in the financial services, what they had to say, because I know a number of them have quite low retiring ages and presumably they have been consulted if they have got a view on it.

The Deputy Bailiff:

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

10.1.7 Deputy S.J. Pinel:

I shall only reply briefly because there is still quite a lot to go in this law. I thank the Connétable of St. John for a speech peppered with lively comments but I do think he is confusing common courtesy with discrimination. He said that retirement age and pension were inextricably linked; they are not. There are many very different pension schemes - workplace pension schemes, P.E.C.R.S. (Public Employees Contributory Retirement Scheme). What we are talking about in

this instance is the pensionable age in the Social Security Law which can sometimes be confused and of course in time, as of 2020, that pensionable age will increase by 2 months per year until 2031 when it will be at 67. So that is why it is referred to as pensionable age as opposed to retirement age. There is no formal retirement age. It is just because it is associated as 65 with the pensionable age so that is the distinction between the 2. Deputy Tadier, I agree with him. Some laws are unnecessary however this discrimination law is the third character stick, as he is well aware, with disability being the next one. I agree with him, as he agreed with the Connétable of St. John, that people should be nice to each other but quite frankly it does not always work like that. Justifying the proportionate means of achieving a legitimate aim is a totally legal phrase and essentially means fairness. So that is where a tribunal will be brought in which incidentally is free to people. It is not chargeable. The retirement age differs tremendously across the board. For instance, firefighters, pilots, people in the Armed Forces retire at 55 and they have their own work pension or can get another job. So there is no set retirement age. Going back to the Connétable of St. John, that is the confusion between retirement age being associated with 65, which at the present time is just pensionable age. Disability, the Deputy mentioned, which, as he knows, is going to be the next characteristic that we will look at. The tribunal cases mentioned; there have been very few in any of the characteristics already introduced. J.A.C.S. (Jersey Advisory and Conciliatory Service) have already started the training on the age discrimination and of course there is Citizens Advice Jersey, which people go to, and most disputes - if one could call it that - are sorted out by mediation before any report to the tribunal. I thank the Connétable of St. Saviour for her contribution about her self-employed cows. And Deputy Southern referring to the 24 and 25 being age discrimination. There is going to be a cut-off age, as there is in schools, 16 for certain exams to those of 18, further education, and it is not quite correct to say that nobody under 25 can receive accommodation or the accommodation components because people can. I would ask if there is a possibility of Deputy Maçon repeating his question. I am afraid I could not quite hear what he said.

Deputy J.M. Maçon:

My apologies. It is looking at this particular legislation which takes the allowance of some of the exemptions I believe next to the pensionable age of 65 but we know over time that the pensionable age will be increasing to that of 67 and possibly more in the future, who knows. My question was, whether there is a mechanism in this legislation in order to follow the changes in that legislation and if not, why not?

10.1.7 Deputy S.J. Pinel:

Yes, there is and I think I explained earlier that it is called pensionable age as opposed to retirement age. Connétable of Grouville; H.R. Departments being able to sort this out. Well, of course, that is what H.R. Departments do do and will continue to have to do so and this law will be a guide to them, and it also incorporates the possibilities of succession planning, which is incredibly important, and allows for that which is why we have a general defence in this characteristic which we did not have in the previous ones because it is complicated with age as opposed to being complicated with the other characteristics.

The Deputy Bailiff:

Very well, those Members in favour of adopting the principles kindly show. The appel is called for. I invite Members to return to their seats. Members have had the opportunity of returning to their seats, I ask the Greffier to open voting.

POUR: 37		CONTRE: 1		ABSTAIN: 1
Senator A.J.H. Maclean		Connétable of St. John		Connétable of Grouville
Senator I.J. Gorst				
Senator L.J. Farnham				

Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Deputy Bailiff:

Deputy of St. Ouen, does the Health and Social Services Scrutiny Panel wish to scrutinise this matter?

Deputy R.J. Renouf of St. Ouen (Chairman, Health and Social Services Scrutiny Panel):

We do not.

[17:00]

The Deputy Bailiff:

Thank you very much. Minister, how do you wish to deal with the matter in second reading?

10.2 Deputy S.J. Pinel:

May I take it in 2 blocks of Regulations; Regulations 1 to 4 and Regulations 5 to 7 please?

The Deputy Bailiff:

Do you wish to speak to the Regulations or do you simply wish to propose 1 to 4?

Deputy S.J. Pinel:

I will just very briefly explain what they are please. Regulation 1 provides that the Discrimination Law will be amended by these Regulations. Regulation 2 provides the general defence that I spoke about earlier which reflects the position in the U.K. This allows an act of direct age discrimination to be justified as a proportionate means of achieving a legitimate aim. There are a wide range of circumstances in which different treatments based on age may be justified. Regulations 3 and 4: Regulation 3 inserts the protective characteristic of age; and Regulation 4 defines that characteristic so that it includes age group.

The Deputy Bailiff:

Are Regulations 1 to 4 seconded? **[Seconded]** Does any Member wish to speak on Regulations 1 to 4?

10.2.1 Deputy M. Tadier:

Usually the early Articles tend to be fairly uncontroversial but Article 2, as I said before, I think could be worded better. I think it is going to cause all sorts of problems particularly because the legitimate aim is subjective. I mean a legitimate aim for the person who is making the discrimination maybe seemed fair to that person or that institution or that business or that department, but the person who is on the receiving end of that may not think it is a legitimate aim. It is probably not necessarily useful to go into different examples of this at this point but I am sure we can all imagine situations where someone might feel discriminated against but then somebody who is disconnected in a tribunal says: "That is quite a legitimate aim" or conversely: "No, that is not a legitimate aim. You have to employ this person. You have to do X, Y and Z for that person." I see so many problems coming up with that. I hope I am proved wrong. I do not think I can support this particular Article and would ask for that to be taken separately.

The Deputy Bailiff:

Very well, does any other Member wish to speak on Regulations 1 to 4? Well, I call on the Minister to respond.

10.2.2 Deputy S.J. Pinel:

Thank you to Deputy Tadier. Without the general defence, which is what Article 2 provides, we would risk inadvertently excluding treatments that would be widely recognised as reasonable. If the service provider or an employer treats people differently because of age they will need to be able to explain why they cannot achieve their objectives without discriminating otherwise they will be acting unlawfully and a person might take a complaint to the tribunal. I hope that explains it.

The Deputy Bailiff:

Well, there is a request that Regulation 2 is voted on separately, so those in favour of adopting Regulation 1 kindly show. Those in favour of adopting Regulation 2 kindly show. The appel is called for.

POUR: 37		CONTRE: 2		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. John		
Senator L.J. Farnham		Deputy M. Tadier (B)		
Senator A.K.F. Green				
Senator Z.A. Cameron				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				

Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Deputy Bailiff:

Those in favour of adopting Regulations 3 and 4 kindly show. Those against? Regulations 3 and 4 are adopted. Minister, do you wish to propose Regulation 5?

10.3 Deputy S.J. Pinel:

I would like to propose 5 to 7. Regulation 5 introduces a few exceptions for a specific age in the case of situations where people based on a protected characteristic is either justified, or if a person's circumstances where the law does not intend to interfere, as well as technical issues to avoid inconsistencies. The exception was generally supported in the consultation as sensible for circumstances in which age or length of service should continue to be a relevant factor. They are provided in paragraphs numbered 25 to 41. If there are no amendments I will not go into detail on the exceptions. The exceptions apply in the following areas, access to States employment opportunities and services, immigration, education and employment benefits, minimum wage, redundancy pay, retirement age, people approaching retirement, pensions, finance and insurance, goods, facilities and services, age-related concessions, age-restricted services, age-related holidays, sporting competition, scholarships, prizes and awards and premises. Regulation 6 amends the Employment Law so as to correspond with the exceptions of retirement age. Retirement must be added as a potentially fair reason for dismissal and the upper age limit for unfair dismissal claims is amended. From 1st September 2016 employees would be protected against unfair dismissal until pensionable age or a higher retirement age adopted by the employer. From 1st September 2018 an

employee of any age will be able to take an unfair dismissal complaint to the tribunal. Regulation 7 provides for the citation and commencement. I propose Regulations 5, 6 and 7.

The Deputy Bailiff:

Are Regulations 5, 6 and 7 seconded? **[Seconded]** Does any Member wish to speak on Regulations 5, 6 or 7? All Members in favour of adopting those Regulations kindly show. Those against? The Regulations are adopted in Second Reading. Do you wish to propose the matter in Third Reading, Minister?

Deputy S.J. Pinel:

Yes, please, Sir.

The Deputy Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** All those in favour of adopting the Regulations in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading.

11. Draft Employment (Amendment No. 10) (Jersey) Law 201- (P.38/2016)

The Deputy Bailiff:

The next item of Public Business is the Draft Employment (Amendment No. 10) (Jersey) Law lodged by the Minister for Social Security and I would ask the Greffier to read the citation but before doing so would just draw Members' attention to the fact that the Greffier has produced a running order and Members will perhaps wish to have that in front of them when dealing with this matter. Please read the citation, Greffier.

The Greffier of the States:

Draft Employment (Amendment No. 10) (Jersey) Law 201-. A Law to amend further the Employment (Jersey) Law 2003. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

11.1 Deputy S.J. Pinel (The Minister for Social Security):

Quick change of files. This proposition is the culmination of 4 recommendations that have been made by the Employment Forum over the past 2 years. The main purpose of the amendment is to introduce employment protection for Armed Forces reservists. The legislation is based on a recommendation from the Employment Forum in 2014 as well as the equivalent U.K. legislation. I know how important it is not just to protect these reservists who are already working in Jersey but to provide some employment security so that we encourage new recruits to join the reserve forces. I am pleased to show my support for the commitment that our local reservists make by asking the Assembly to endorse this legislation today. The second important change that I am proposing is to introduce new compensation awards for employees where their employer has not complied with the law in 3 fundamental areas, these are: pay slips, terms of employment and rest days. These are very basic employment rights that employers should not find it difficult to comply with. It is anticipated that the power for the tribunal to award up to 4 weeks' pay as compensation in addition to the existing remedies will ensure that all employers are providing contracts, pay slips and rest days. The third recommendation that we are implementing today is the change to the unfair dismissal qualifying period for people working under short fixed term contracts. This is known as the two-thirds rule. The rule is specific to Jersey and it was recommended by the Forum in 2001 to address a narrow point relating to seasonal workers. The rule is no longer effective and employers can very easily avoid it. The Forum recommended in 2015 that the rule should be removed. Employees

working under fixed term contracts will continue to have the same protection that other employees have including the right to claim unfair dismissal from day one of employment in certain circumstances, such as dismissal for asserting a statutory right. The fourth recommendation that I am acting upon as part of the amendment is the Forum's 2015 recommendation on the minimum wage. After the decision was announced in the U.K. that a premium rate of £7.20 would be introduced for the over-25s the Forum recommended, and I quote: "If the Minister intends to direct the Forum to consult on the possibility of introducing a higher minimum wage similar to the U.K.'s premium wage rate for the over-25s it will be important to consider first whether there is a political inclination to amend the employment law to permit different minimum wages to be prescribed for employers of different ages." It is important that I act on this recommendation because the States decided 9 years ago to remove the power to set different minimum wage rates for employees of different ages. We need to know before the Forum offers this as an option in its public consultation whether the States is now willing to consider it. If the States do not agree the enabling power it is unlikely to be appropriate for the Forum to consult on a higher rate for older employees. I am not asking Members to decide today if they agree with a higher rate for the over-25s or not. This change is a proactive move on my part to pave the way so that if the Forum recommends a new premium minimum wage rate later this year we will be able to introduce that rate without delay from 1st April 2017. Without the enabling power we will not be able to do this and any higher rate would have to wait until April 2018. If the Forum recommends a higher rate for older employees I will bring a proposition for debate in November along with all of the evidence and research to consider as part of that decision. If the Forum does not recommend a premium rate for older employees then there is no problem with leaving the enabling power unused. I propose the principles.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? No Member wishes to speak on the principles. All those in favour of adopting the principles kindly show. Those against? The principles are adopted. Deputy of St. Ouen, does your Scrutiny Panel wish to scrutinise this piece of legislation?

The Deputy of St. Ouen (Chairman, Health and Social Security Scrutiny Panel):

No, Sir.

The Deputy Bailiff:

Minister, I understand you are proposing to propose Article 1 to 4 *en bloc*?

Deputy S.J. Pinel:

Yes, please, 1 to 4

The Deputy Bailiff:

Did you wish to speak to them or merely to propose them?

11.2 Deputy S.J. Pinel:

Just very briefly to explain. Article 1 provides the interpretation. Article 2 allows an employee to claim financial compensation where their employer does not provide appropriate written terms of employment. Article 3 provides that the tribunal may award compensation of up to 4 weeks' pay for that failure. Article 4 allows an employee to claim compensation where their employer has failed or refused to comply with the weekly rest day entitlements. It also provides for a maximum 4 weeks' pay as compensation. I propose Articles 1 to 4.

The Deputy Bailiff:

Articles 1 to 4 seconded? **[Seconded]** Does any Member wish to speak on Articles 1 to 4?

11.2.1 Deputy G.P. Southern:

The question is, what do we mean when we say “appropriate written terms”? For example, in the course of my work with Scrutiny having come across many occasions where what is described as a zero-hours job is in fact routinely 9.00 a.m. until 5.00 p.m., 5 days a week *ad infinitum* and what the written terms are bears little relationship with the job being done. So the question is, when we say “appropriate” do we mean accurate or what, because it cannot be the case that as long as you have got a piece of paper with some terms on it that you can act differently towards your employee and yet that seems to be happening. It then comes down to the employee to challenge their employer, which is always a difficult moment. Is there no way that any officers of the department might view a contract and say that that does not match what the terms are in reality? The basic question is, what is appropriate?

[17:15]

The Deputy Bailiff:

Does any other Member wish to speak on Articles 1 to 4? I call on the Minister to respond.

11.2.2 Deputy S.J. Pinel:

“Appropriate” is not definitive, as the Deputy has pointed out. It cannot be because there must be different contracts and terms of employment for different situations with different people in different jobs and if there are confusions that is exactly what J.A.C.S. and Jersey Citizens Advice is there to help with both the employer and the employee and they are very well trained to do so.

The Deputy Bailiff:

Very well, all those in favour of adopting Articles 1 to 4 **[Interruption]** ... You would like to take Article 3 separately. Very well, those in favour of adopting Articles 1 and 2 kindly show. Those against? Articles 1 and 2 are adopted. All those in favour of adopting Article 3 kindly show. **[Interruption]** The appel is called for. I invite Members to return to their seats. I would ask the Greffier to open the voting.

POUR: 35		CONTRE: 3		ABSTAIN: 0
Senator A.J.H. Maclean		Deputy G.P. Southern (H)		
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham		Deputy S.Y. Mézec (H)		
Senator A.K.F. Green				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				

Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				

The Deputy Bailiff:

Those in favour of adopting Article 4 kindly show. Those against? Article 4 is adopted. Do you wish to propose Article 5, Minister?

11.3 Deputy S.J. Pinel:

Yes, please. Article 5 clarifies that where different minimum wages are set for different classes of person there can be no different treatment in relation to differences relating to business size, area of Jersey, employment sector, occupation, gender or racial group. My purpose in proposing this change along with the changes to Article 15 is to provide a limited enabling provision for a premium minimum wage rate for older employees if approved by the States without delaying any pay rise for employees. If no such premium rate is agreed then the provision simply will not be used. I make no presumption that such a rate will be recommended and I have no view either way at this stage. The Forum also has no preconceived view. It will all come down to the research and the evidence. If the Forum recommends a premium rate for older employees I will lodge a proposition so that Members have the chance to debate the pros and cons in November. If this power is not in place then pay rises for all employees could be delayed until 2018. Most importantly this amendment acts on the Forum's recommendation to establish, prior to consultation, whether the States is minded to consider permitting a higher rate for older employees.

The Deputy Bailiff:

Is Article 5 seconded? **[Seconded]**

11.4 Draft Employment (Amendment No. 10) (Jersey) Law 201- (P.38/2016): amendment (P.38/2016)

The Deputy Bailiff:

There is an amendment proposed to Article 5 and I would ask the Greffier to read the amendment.

Deputy S.Y. Mézec:

Just before that. Could I just ask simply because I anticipate that there may be a bit of debate on this amendment and we are reaching close to time to adjournment, I am happy to make the amendment now if that is what Members would prefer but then I would have thought it would be better to do everything all together once the morning starts. Is that a more sensible way to proceed?

The Deputy Bailiff:

So, Deputy, are you proposing that the States adjourn now until tomorrow morning?

Deputy S.Y. Mézec:

I will propose that the States adjourn now.

The Deputy Bailiff:

Well, it is entirely a matter for the Assembly. **[Interruption]** I think what we will do is we will read the amendment and then we will put to the Assembly whether or not it wishes to adjourn until tomorrow morning.

Deputy M. Tadier:

Is that not slightly disjointed in terms of people listening on the outside. It seemed to make sense to read the amendment in the morning too and then have the debate straight after. It is just a suggestion.

The Deputy Bailiff:

I will remind Members when we sit tomorrow exactly what it is we are returning to. **[Interruption]** Very well, Greffier, if you would read the amendment please.

The Greffier of the States:

Page 15, Article 5, delete Article 5, renumber Articles 6 to 14 accordingly.

The Deputy Bailiff:

Very well. There is a proposition before the Assembly to adjourn now until 9.30 a.m. tomorrow morning. Is that proposition seconded? **[Seconded]** All those in favour of adjourning kindly show. Very well, those against? Before doing so I can announce that the following has been lodged, the States of Jersey Law 2005 for a proposal to amend bankruptcy provisions lodged by Deputy Higgins, P.55/2016. The States stand adjourned until tomorrow at 9.30 a.m.

ADJOURNMENT

[17:20]