

STATES OF JERSEY



ANNUAL BUSINESS PLAN 2009 (P.113/2008): FOURTH AMENDMENT

**Lodged au Greffe on 2nd September 2008
by the Council of Ministers**

STATES GREFFE

1 PAGE 3, PARAGRAPH (b) –

After the words “withdrawn from the consolidated fund in 2009”, insert the words –

- (1) “except that the net revenue expenditure of the Chief Minister’s Department shall be increased by £570,000 to ensure the range of functions within the Chief Minister’s Department required for a modern and responsible government are strengthened and re organised;”
- (2) “, except that the net revenue expenditure of the Chief Minister’s Department shall be increased by £200,000 to enable a new post for a Tax Strategist to be created within the Chief Minister’s Department to work closely with the Director of International Finance and International Relations officers;”
- (3) “, except that the net revenue expenditure of the Education, Sport and Culture Department shall be increased by £552,000 to extend opportunities for children who attain the age of 4 years between 1st September and 31st August in the year before commencing statutory education;”
- (4) “, except that the net revenue expenditure of the Home Affairs Department shall be increased by £250,000 to provide the necessary funding for the implementation of the Discrimination (Jersey) Law 200-;”
- (5) “, except that the net revenue expenditure of the Planning and Environment Department shall be increased by £1.0 million to fund the first phase of an extensive package of environmental initiatives, with the approval of this expenditure, in accordance with the provisions of Article 14(9) of the Public Finances (Jersey) Law 2005, dependent upon the subsequent approval by the States of the introduction of a Vehicle Emissions Duty which will generate sufficient income to fund this expenditure;”
- (6) “, except that the net revenue expenditure of the Social Security Department shall be increased by £4.5 million to provide the necessary funding for the anticipated increase in the cost of supplementation;”
- (7) “, except that the net revenue expenditure of the Social Security Department shall be increased by £529,000 for the purposes of providing work and vocational day care service opportunities for people with learning disabilities and people on the autistic spectrum;”
- (8) “, except that the net revenue expenditure of the Social Security Department shall be increased by £2,320,000 to extend transitional relief to October 2009 for those in receipt of protected benefit payments under the income support scheme and to increase the Winter Fuel Allowance in accordance with recent increases in the cost of fuel;”
- (9) “, except that the net revenue expenditure of the Transport and Technical Services Department shall be increased by £1.0 million to fund the first phase of a package of recycling and sustainable transport initiatives, with

the approval of this expenditure, in accordance with the provisions of Article 14(9) of the Public Finances (Jersey) Law 2005, dependent upon the subsequent approval by the States of the introduction of a Vehicle Emissions Duty which will generate sufficient income to fund this expenditure;”

- (10) “, except that the net revenue expenditure of the Treasury and Resources Department shall be increased by £300,000 to meet the additional costs associated with administering GST zero-rating;”
- (11) “, except that the net revenue expenditure of the Law Officers’ Department for 2009 shall be increased by £520,000 to ensure there are sufficient resources to restructure the Department in order to meet the pressures on the Department and achieve service levels which are to be agreed with the Council of Ministers;”.

2 PAGE 3, PARAGRAPH (f)

After the words “Summary Table C, page 96”, insert the words –

- (1) “, except that the net revenue expenditure of the Chief Minister’s Department shall be increased in 2010 by £584,000, in 2011 by £599,000, in 2012 by £614,000 and in 2013 by £629,000 to ensure the range of functions within the Chief Minister’s Department required for a modern and responsible government are strengthened and re organised;”
- (2) “, except that the net revenue expenditure of the Chief Minister’s Department shall be increased in 2010 by £205,000, in 2011 by £210,000, in 2012 by £215,000 and in 2013 by £220,000 to enable a new post for a Tax Strategist to be created within the Chief Minister’s Department to work closely with the Director of International Finance and International Relations officers;”
- (3) “, except that the net revenue expenditure of the Education, Sport and Culture Department shall be increased in 2010 by £1,498,000, in 2011 by £1,657,000, in 2012 by £1,639,000 and in 2013 by £1,679,000 to extend opportunities for children who attain the age of 4 years between 1st September and 31st August in the year before commencing statutory education, to access free education, 20 hours per week during term time;”
- (4) “, except that the net revenue expenditure of the Home Affairs Department shall be increased in 2010 by £256,000, in 2011 by £263,000 in 2012 by £269,000 and in 2013 by £276,000 to provide the necessary funding for the implementation of the Discrimination (Jersey) Law 200-;”
- (5) “, except that the net revenue expenditure of the Planning and Environment Department shall be increased in 2010 by £2.0 million, in 2011 by £2.5 million, in 2012 by £2.65 million and in 2013 by £2.65 million to fund further phases of the extensive package of environmental initiatives providing that a new Vehicle Emissions Duty is approved by the States in 2008 to fund this expenditure;”
- (6) “, except that the net revenue expenditure of the Social Security Department shall be increased in 2010 by £842,000, in 2011 by £863,000, in 2012 by £884,000 and in 2013 by £906,000 for the purposes of

providing work and vocational day care service opportunities for people with learning disabilities and people on the autistic spectrum ;”

- (7) “, except that the net revenue expenditure of the Social Security Department shall be increased in 2010 by £2,056,000, in 2011 by £1,111,000, in 2012 by £716,000 and in 2013 by £351,000 to extend the phasing out of transitional relief, starting from October 2009, for those in receipt of protected benefit payments under income support and to increase the Winter Fuel Allowance in accordance with recent increases in the cost of fuel;”
- (8) “, except that the net revenue expenditure of the Transport and Technical Services Department shall be increased in 2010 by £1.752 million in 2011 by £2.5 million, in 2012 by £2.5 million and in 2013 by £2.5 million to fund further phases of the package of Recycling and Sustainable Transport initiatives providing that a new Vehicle Emissions Duty is approved by the States in 2008 to fund this expenditure;”
- (9) “, except that the net revenue expenditure of the Treasury and Resources Department shall be increased in 2010 by £308,000, in 2011 by £315,000, in 2012 by £323,000 and in 2013 by £331,000 to meet the additional costs associated with administering GST zero-rating;”
- (10) “, except that the net revenue expenditure of the Law Officers’ Department shall be increased in 2010 by £533,000, in 2011 by £546,000, in 2012 by £560,000, in 2013 by £574,000 to ensure there are sufficient resources to restructure the Department in order to meet the pressures on the Department and achieve service levels which are to be agreed with the Council of Ministers;”.

COUNCIL OF MINISTERS

REPORT

Overview

The Council of Ministers has delivered a Business Plan in accordance with the instruction of the States to keep within the Cash Limits for 2009 as agreed last year. However, the world has changed and Jersey people are under increasing financial pressure since the Plan was lodged and it is not possible within these very tight spending limits to deliver a number of social and environmental initiatives which ministers believe should be funded and which are affordable.

In order to keep within Cash Limits, the Council enforced a strict prioritisation process on any additional funding required for service pressures/initiatives. Through this process and the application of further efficiency savings, the Council has already managed to include funding for a number key service pressures (see Table 3.2 of the 2009 Annual Business Plan) e.g. Prison improvements, additional financial support for the less well-off, social inclusion at Mont à l'Abbé School, and additional staffing for Customs and Immigration.

However, this also meant that there were a number of service pressures/initiatives that the Council felt should be implemented but could not be funded within the restrictions of the Cash Limit. These projects are listed in Table 3.3 within the 2009 Annual Business Plan, and the Council of Ministers detailed these at their recent presentations of the Annual Business Plan to States Members and the media.

The Council felt that the States as a whole should have the opportunity to debate and decide whether any or all of these pressures should be funded and the implications of doing so. The Council has therefore lodged Amendments to the Business Plan in order for the States to have a full and honest debate on whether or not additional funding should be made available for these items.

The Council of Ministers announced last week that it recognises the unprecedented increases in food and fuel costs are hitting all Islanders and is therefore proposing changes to the States Business Plan in order to reduce their impact. Ministers are acutely aware of the need to help support the less well-off and are proposing a package of measures to alleviate the effect for those on lower incomes. This package, if approved, will inevitably result in additional funding requirements in a number of areas.

The package includes –

- zero-rating GST on food.
- increasing winter fuel payments by 20%.
- freezing fuel duty in the budget.
- maintaining the current rates of income support, including the allowance for GST on food, and the scheme for people who do not receive income support but are below the tax threshold. This means that the full benefit of GST reductions on food will be passed on to people on lower incomes who have already received support to cover their costs.
- deferring from January 2009 until October 2009 any reductions in income support for people who receive transitional relief.

- accelerating the programme of insulation for States Housing to help States tenants reduce their fuel costs.
- and, for all other households, introducing a programme of home insulation grants and energy efficiency advice to help the public reduce their fuel bills.

The States have had a consistent aim of providing free nursery education for all three and four year-olds. There are now 17 high quality nursery classes at primary schools providing 510 full-time equivalent places. However, the policy of building nursery classes on to primary schools, though well-intentioned, has led to inequity. Approximately half of all three and four year-olds access free nursery education, whilst the remaining half are denied this opportunity.

Ministers are proposing an amendment to the Annual Business Plan which is primarily about removing this inequity. It is about extending early education so that all children have the opportunity to access affordable, high quality early education 20 hours per week, 38 weeks per year.

The arguments for extending nursery education are powerful. Regardless of parental circumstances or whether or not childcare is required, all children should have access to a high quality nursery education opportunity regardless of setting. There is equity because parents can access the offer, whether in the public or private sector, and they may be assured that their child is receiving similar educational benefits, and from the private and voluntary providers' perspective, they are operating in a fair environment.

On 10th July 2008, the States considered P.102/2008 of Deputy Ian Gorst. This Proposition, approved by States Members by 42 votes to nil, asked the States to receive the Strategy for Inclusive Vocational Day services and Employment for people with a learning disability and people on the autistic spectrum as drafted by the Joint Secretariat Executive Board for People with Special Needs.

The Council of Ministers is proposing an amendment which would, if approved, give effect to the above States decision and to add to the Social Security cash limit the funds identified with the above strategy.

The Council is also proposing to help fund Jersey's environment, recycling and sustainable transport strategies. It is proposed that £2 million is invested as follows –

- £1 million will be added to the £0.5 million donation from the Jersey Electricity Company and put towards home insulation grants and energy efficiency measures.
- £0.5 million will go towards supplying additional commuter bus services, holding bus fares at current levels, expansion of the "Safe Route to Schools" scheme and developing an eastern cycle route.
- £0.5 million will go towards increased recycling which will include the supply of kerbside containers and improved collecting of hazardous waste.

In order to fund the above environmental and transport strategies the Council of Ministers propose the introduction of a Vehicle Emission Duty (VED) on the registration of new vehicles, targeted at vehicles with high CO² emissions. The estimated £2 million revenue raised will be ring-fenced and allocated to the measures outlined above.

The Council is also proposing to allocate additional resources to the Chief Minister's and Law Officers' Departments which, as has been confirmed by the Comptroller and Auditor General, have been significantly under-resourced for some time. This under-resourcing is seriously jeopardising Jersey's ability to represent itself internationally and to protect the economy in an environment of ever-increasing taxation complexity and competition. It is also effecting the administration of justice and the drive towards greater efficiency in government. Further details are outlined later in the report.

Finally the Council of Ministers is proposing an amendment to provide the necessary funding for the anticipated costs of supplementation. More details are provided later in this report but it should be emphasized that supplementation measures are primarily aimed to help those on lower incomes.

The Council of Ministers notes that even with these additional spending items to the Business Plan, States financial forecasts will remain within broadly balanced budgets up to 2013, with no borrowing or use of reserves.

Ministers are firmly of the view that this package of amendments to the 2009 Business Plan will help to give protection to the less well-off in the current economic climate, supports the States' desire to enhance its social and environmental policies and ensures at the same time that the government of Jersey is capable of meeting the challenges that lie ahead.

(1) Chief Minister's Department

The Draft Annual Business Plan shows in Table 3.3 those priority service pressures which could not be included in cash limits. The total amount that could not be included for Chief Minister's Department was £650,000. This amendment proposes that the very highest priorities within that be funded and that £570,000 be added to the Department's cash limit.

In 2004 the States approved a change programme which was intended to deliver major efficiency savings and to improve the performance of the public sector. The view was taken that the Chief Minister's Department and the Treasury and Resources Department should lead the way in proving that such efficiencies and savings were delivered. One of the targets of the programme was to bring together a range of corporate resource functions and reduce the cost of central functions by some 20%. Those savings targets have been delivered and all subsequent business plans have seen consequent real terms reductions in the cash limits of these departments.

The change and savings programme was paralleled by the introduction of Ministerial Government, which has required improvements in corporate management, forward planning and a greater emphasis on co-ordination across departments. The Chief Minister's Department has also picked up additional management responsibilities (including the operating resources, but no additional senior management resources) for the Population Office, Director of Civil Aviation and Emergency Planning. These changes also include developing a new migration policy and introducing high quality professional emergency planning across the States. Thus, at the same time as there has been a significant reduction in the Department's resources there has been an increase in the demands placed upon the Department.

It is entirely appropriate that staff should be expected to respond positively to change and the Department has continued to provide executive support to the Chief Minister,

the Council of Ministers and departments across the States. However, the resources are not sufficient to continue to provide a quality Government service, respond to international competition, implement continuing improvements and respond to major incidents like Haut de la Garenne and the aftermath of the Broadlands fire.

This does not detract from the excellent progress that has been made over recent years. The States are now acting more decisively and strategically, decisions are based on sound information and are then implemented within budget and largely on time. The Council of Ministers' Strategic Plan committed the executive to a far-reaching programme of change and development, whilst reducing the resources consumed in administration and management. A major programme of change to improve the efficiency and effectiveness of the civil service, aimed to reduce running costs by £15 million per annum and deliver some £5 million per annum capital receipt is in hand, with savings having been made. The allied organisation development programme is being rolled out and will over the next few years improve performance to the level that should be expected.

However, it would be wrong to suggest that this work has been fully effective everywhere and, as can be expected within such a far-reaching change programme, a re-evaluation of basic functions and approaches is now required.

This Business Plan will determine the resources for the second term of Ministerial Government. It is therefore appropriate to decide whether the States is willing to provide sufficient resources to underpin the next phase of the development of a modern responsible Government.

The notion that there is further work to be done within the Chief Minister's Department was supported by the Controller and Auditor General's report of May 2008 'Emerging Issues: States' spending review'. Amongst other things, this highlighted the need to strengthen the 'Corporate Management' function of the States of Jersey.

(1) *Corporate management:*

There is some evidence that it has not proved possible to pursue corporate initiatives with the consistency that was required to ensure successful implementation. Consideration should be given to ensuring that the corporate management of the States has the capacity to pursue the transformation of the States successfully. This will involve considering inter alia:

- (a) whether the Chief Minister's Department is appropriately structured to permit the discharge of all the responsibilities allocated to it;*
- (b) whether the Chief Minister's Department is appropriately resourced to permit consistent discharge of all of the responsibilities delegated to it; and*
- (c) within these studies, whether appropriate resource has been dedicated to the achievement of the transformation of the States which the Spending Review suggests offers the most fruitful prospect of significant reductions in expenditure.*

The test of whether the structure and resources of the Chief Minister's Department are appropriate should be whether it is sufficiently resilient to be able to apply consistent pressure to the achievement of the internal objectives of the States at the same time as dealing with external pressures.

In summary, while the transition to ministerial government, and the organisational changes that accompanied and have followed it, have resulted in a more effective central policy-making and support capability, further changes are necessary to ensure that the full potential is realised.

Structural changes are underway which will address some of the issues identified by the Comptroller and Auditor General, but it is evident that there are 3 areas of work which will require additional resources if they are to meet the challenges that have been identified. These are International Relations; Emergency Planning, and co-ordination of Social Policy. These are described in the following paragraphs. The total additional costs of addressing the above items will be £570,000 which includes 6 additional members of staff within the Chief Minister's Department.

This amendment therefore seeks to increase the overall cash limit by £570,000 to address the above issues.

International Relations

Jersey's continued economic success depends to a large extent on its standing in the international community. It is our economic success that provides good jobs for local people, the standard of living that we enjoy and the ability to fund high quality public services. Thus investment in promoting a strong, responsible International Identity, good relations with our major neighbours and trade partners and high regard amongst International Organisations is extremely important to maintaining our way of life.

The Chief Minister is responsible for International Relations. This section of the Department is headed by the International Finance Director and includes one International Policy Officer with the retired Chief Adviser acting as a part-time adviser. They deal with all of the negotiations on International Finance treaties, all other international matters, relations with the UK, UN sanctions, etc. It is proposed to appoint a Senior Policy Adviser and Assistant who will not only improve the ability to respond to matters as they arise, but will be active in creating better relationships and understanding with the UK, other Countries and International Institutions such as the EU.

The total cost of bolstering the International Relations division is estimated to be £200,000, which would include 2 additional Officers with travel and other costs; and provision to retain an off-Island media adviser and fund one or 2 promotional activities a year.

There is also an amendment in relation to the Law Officers' Department which proposes to employ a legal adviser to work on International matters. That person would work in close liaison with the Chief Minister's Department's International Relations division.

Emergency Planning

As part of the introduction of Ministerial Government, the Emergencies Council was reconstituted. The Chief Minister, as President, is now responsible for ensuring that the Island is properly prepared to deal with major emergencies. One Emergency Planning Officer with a part-time secretary was transferred. Since then there has been a marked increase in the co-ordination and professionalism of this function. All States Departments are now playing a full part in preparing plans and exercising them. However, there is a considerable amount of work to be completed before the Island could be assured that all of the necessary plans and preparations are in place. In the

event of a major emergency the Emergency Planning Officer is responsible for supporting the Emergencies Council. However, if such an emergency were to occur whilst he is away from the Island, he does not have a deputy who could step into the role. It is proposed to employ an Emergency Planning Assistant and create a small contingency provision to fund exercises, small equipment purchases and other related costs. The additional cost for which there is currently no budget would be £70,000.

Social policy

The States Strategic Plan instructed the Council of Ministers to draw up a Social Policy Framework, which would become an overarching structure to ensure that Social Policies are properly co-ordinated and taken forward. It was published in May 2007, with the goal of “Independent households enjoying life in a thriving community” and has been taken forward by Ministers and their departments. All major new policies, including Income Support, housing policies, the developing Health New Directions policy and others, are following the framework. The framework proposed that there should be an overarching structure to ensure compliance, which would include assessment of all new policies against the framework, an annual report on the nature of social need and progress towards the goals and development of an integrated system to help people receive the right help from the right agency as and when they need it. At present there are no resources available to co-ordinate the process. If it is to become an active corporate policy which is taken forward with the involvement and support of, amongst others, the voluntary community, there needs to be a point of co-ordination and leadership. An overall provision of £100,000 would allow the appointment of a co-ordinating officer with the resources to take the framework forward.

Support for the Chief Minister

The Privileges and Procedures Committee presented a report on 9th November 2007 to the States on the Machinery of Government Review. In it they comment that the facilities used by the Chief Minister are not of the standard that might be expected of Jersey’s political leader. They specifically recommended that the Chief Minister should have a dedicated full-time private secretary. Given the other pressures which the department is facing, it has not proved possible to create such a post. Addition of £50,000 to the Department’s cash limit would allow such a post to be created.

Improving resource management and performance across States Departments

Significant change and improvement has been made in the overall management of resources and the cost of such functions has been significantly reduced. However, the Comptroller and Auditor General has commented that “*Consideration should be given to ensuring that the corporate management of the States has the capacity to pursue the transformation of the States successfully*”.

At present, central resource functions are split between the Chief Minister’s Department and the Treasury and Resources Department. These functions comprise Human Resources, Treasury Shared services (including procurement), Information Services and Property. Whilst these functions do work together and have brought together disparate functions across the States, none of them has the capacity to take the full lead on transformation and change across the public sector. It is proposed that all of these functions should be brought together into a common function, with a shared remit to improve administration and performance across the public sector. This will allow them to make further improvements within their overall management of the

States' resource functions, but will also give them the combined scale to lead on transformation of performance more generally.

In the first instance it will be necessary to recruit a Senior Officer to take on the overall management and lead on change. With on-costs and support costs that would need an addition to cash limits of some £150,000. However, it is confidently expected that this investment will more than pay for itself in future years as savings and improvements are made across the public sector.

Conclusion

The Draft Business Plan complies with the previous States decision on cash limits. It allocates the overall cash limit to departments, with a clear focus on front-line services and this properly reflects the Council of Ministers' priorities. However, there are other significant pressures which it has not been possible to include within the overall cash limit. This amendment proposes to increase the Chief Minister's Department's cash limit by £570,000 in order to meet governmental pressures and to ensure that the Island's wider interests are safeguarded. There will have to be other structural changes within the central departmental structures to create an even greater focus on transformation and proper support to the Chief Minister. Taken together these changes will create a modern, professional infrastructure to support the next phase of development of the Island's Government.

(2) Chief Minister's Department

Background

For over 60 years Jersey has had an extremely simple, flat rate scheme incorporating a single rate of 20% for corporates and individuals. In order to protect Jersey's finance industry a new 0/10 tax (depending on a company's activities) regime for corporates has been introduced which commenced operation from 3rd June for new companies and will extend to existing companies from January 2009 except for International Business companies (IBCs) which are allowed to retain their status until 2011. A Goods and Services Tax (GST) has also been introduced to replace a significant part of the tax revenues lost. Even based on this extremely limited summary of recent and impending changes, it is clear that Jersey has moved from a simple tax regime to a complicated one.

At the same time the independent study by the London Business School (LBS) identified the importance of tax certainty and our continuing negotiation of tax treaties as key drivers for the success of the finance industry.

There is now a clear need to consider the challenges posed by this greater complexity, consider the alternatives for ensuring that Jersey retains its competitiveness and commence planning for our long-term future in conjunction with possible spending desires.

Proposal

It is proposed that a new post for a Tax Strategist is created within the Chief Minister's Department to work closely with the Director of International Finance and International Relations officers.

Role and Terms of Reference

Aim

To advise Ministers on local and international tax policy to achieve the Island's economic objectives –

- The scope of taxation covered will include –
 - Corporate and individual income tax
 - Goods and Services Tax (or VAT)
 - Environmental taxes
 - Impôts
 - Social Security
 - Stamp Duty
 - Other taxes as appropriate
- Locally there will be a requirement for –
 - considering tax raising/tax policy options in terms of their intrinsic merits and how they fit with the overall tax strategy for the Island
 - providing tax input to other areas of policy development, e.g. economic analyses
 - managing bought-in specialist tax expertise
 - communicating tax policy to local stakeholders
- Internationally, there will be a requirement for –
 - Review of UK and other taxation consultation and initiatives in order to identify potential opportunities or threats
 - Consideration of the impact of local policy in the global arena of OECD, Ecofin/EU Code of Conduct Group, IMF and other recognised bodies
 - Technical input to the Tax Information Exchange Agreements (TIEAs)
 - Technical input to the (re-)negotiation of Double Tax Agreements (DTAs)
 - Technical input to the (re-)negotiation of the EU Savings Directive
 - Benchmarking of the Jersey fiscal policy against other offshore centres and maintaining a competitive position
 - Review of evolving EU tax law especially tax cases that distinguish adversely between EU and non-EU operations/jurisdictions

Benefits

- An holistic approach to tax strategy will produce an Island able to respond to external and internal pressures in an agile and innovative manner maximising the continued delivery of fiscal receipts
- A forward-looking approach will anticipate potential future hurdles and challenges allowing Jersey to position itself accordingly and ensure continued tax competitiveness

- Adopting some of the workload currently assumed by the Comptroller of Income Tax and his team will allow increased focus on the administration of the tax system and collection of tax as this workload becomes increasingly complex

Costs

- Annual salary package and related costs are estimated at £200,000

Summary

A successful fiscal regime is a key driver of economic success. Jersey is moving from an extremely simple tax regime that operated broadly in isolation from the international community to an increasingly complex regime, regularly subjected to international scrutiny. These changes are likely to generate a growing level of macro and micro debate which will regularly interact with the political environment. Jersey now needs the additional resource and expertise that a full time tax strategist will provide.

(3) Education, Sport and Culture

Introduction

The commitment to provide free nursery education for all three and four year-olds has been made by the States. There are now 17 high quality nursery classes at provided primary schools providing 510 full-time equivalent places. The policy of building nursery classes on to primary schools, though well-intentioned, has led to inequity. Approximately half of all three and four year-olds access free nursery education, whilst the remaining half are denied this opportunity.

This amendment is primarily about removing that inequity. It is about extending early education so that all children have the opportunity to access affordable, high quality early education 20 hours per week, 38 weeks per year.

The arguments for extending nursery education are powerful. Regardless of parental circumstances or whether or not childcare is required, all children should have access to a high quality nursery education opportunity regardless of setting. There is equity because parents can access the offer, whether in the public or private sector, and they may be assured that their child is receiving similar educational benefits, and from the private and voluntary providers' perspective, they are operating in a fair environment.

The benefits to the States are that the commitment to deliver nursery education for all three and four year-olds could be achieved more quickly by accessing provision that already exists in the non-provided sector without incurring additional capital costs or affecting the sustainability of the private sector. Also there will be greater influence over the cost and quality of nursery education.

Background

Five reports have now been presented to the States since 2004. The independent report '*A Vision for the Future of Early Education and Childcare in Jersey*' (R.C.35/2004) highlighted the inequity in the current arrangements and concluded that –

“whilst there is a clear strategy for Early Years Education in Jersey, there is no overall strategy for integrated early education and care [and] a perceived lack

of investment in early education and childcare services has resulted in criticism of the existing policy’.

‘Investing in Our Future: A vision for Early Childhood Education and Care for children in Jersey’ (R.C.54/2005) set out plans to develop and extend high quality learning opportunities for children by investing in the private and voluntary sectors to complement nursery classes in provided schools.

This was followed by the *‘Early Childhood Education and Care: Progress Report (R.100/2006) and the Annual Business Plan 2008: Amendment (P.93/2007).*

At the beginning of 2008, the plan to extend free nursery education was subject to scrutiny. In reaching its conclusions the Education and Home Affairs Scrutiny Panel found that –

“There is evidence of support for the principle of offering some free entitlement to Early Years for all rising four year olds and broad support that an equal entitlement should be available to all children.

The Education and Home Affairs Scrutiny Panel further recommended that –

“The Minister for Education, Sport and Culture should organise a stakeholder consultation event with an independent Chairman to resolve the ways and means to deliver free, flexible entitlement of quality Early Years education for rising four year olds. This should be undertaken in time for the 2009 intake of children.”

In response to this the Minister for Education, Sport and Culture commissioned the Jersey Child Care Trust to undertake this consultation on his behalf. Stakeholders were invited to consider whether –

- the States should continue to build nursery classes at provided schools;
- all three and four year-olds should be offered a half-time place at a States nursery class by offering a choice of morning or afternoon sessions;
- the States should invest in a partnership with the private and voluntary sectors to provide a free element to all;
- the cost of Early Years education should be met by the States, means testing parents or a combination of both.

Whilst written submissions to this consultation supported building further nursery classes at provided schools, the majority of attendees at the stakeholder event supported the concept of a public and private sector partnership funded by the States. The report compiled by the Jersey Child Care Trust, *‘Fair Nursery Places for all 3-4 Year Olds’* is attached to this report (**Appendix 1**).

Why Invest in Early Education?

The case for investing in early education is already proven. Countries across the world are realising the benefits. They invest for educational, economic and social reasons.

The positive effects of high quality early education, whether at home or in a provided setting, on children’s educational outcomes are well-known. There is compelling evidence that early education contributes to the physical, emotional, social and intellectual development of children. It prepares them for a seamless transition to

school and has a positive impact on educational outcomes and skill development later on.

Parents of young children need support to reconcile work and family life. Working mothers greatly improve productivity, taxation and family budgets. Jersey has the highest rate of working women in Europe but the cost of childcare in Jersey is prohibitive, particularly where there is more than one child in the family.

Quality early education and care is also often critical to help families from outside Jersey to settle, integrate and become self-sufficient. It can provide them with a cultural orientation and, for non-English speaking children, stimulate language development and social inclusion.

Given our ageing population, if we want an Island that is economically strong, socially cohesive and culturally rich, it makes sense to invest in children and young families to secure the future. Success early on breeds success later on but the converse is also true.

Why universal provision?

The advantages of universal provision have been well documented in previous reports. Experience in the United Kingdom suggests that gaps are widening between children, with those from the most disadvantaged backgrounds lagging behind educationally and socially.

A universal system provides free and equitable access to all, regardless of income. There is a better social mix which can lead to broader learning opportunities and there is no stigma attached to children from poorer families. Additional educational support for disadvantaged children can be provided within the universal system. This approach has a clear advantage in that it does not discriminate against any sector of the population and it is simple to promote and administer.

A means-tested system, on other hand, might seem to be more fair and equitable but it would be short-sighted. Whilst it might bring in additional revenue to offset the cost of early education, it would increase the demand for income support and claims for Child Care Tax Relief. In the context of increased taxation, GST, the high cost of living in Jersey, the high cost of housing and the high cost of childcare, the likelihood is that many of those experiencing financial hardship would not be eligible for any substantial support. This could lead to a decrease in take-up of nursery places and an increase in the use of unregistered childcare.

Why 20 hours per week, 38 weeks per year?

The figure of 20 hours per week reflects the key findings of the Effective Provision of Pre-School Education (EPPE) Project which concluded that full-time attendance for 30 hours per week term-time led to marginal educational gains for children compared to part-time attendance for 20 hours per week term-time.

School nursery classes mirror the academic year. To create equity, it is important to reflect the same offer in the private sector. Working parents would be able to pay for additional hours in the private sector to meet their requirements.

To make arrangements more equitable, if this amendment is supported, the intention would be to further investigate introducing charges for the additional 10 hours per week which are currently available in school nurseries. Any income derived from this

could be used to offset the cost of early education and any additional administrative costs.

Who would receive the funding, parents or providers?

Although some governments prefer to give funding to parents in the form of vouchers, in doing so they lose the opportunity to work constructively with early years settings on issues relating to staff development and quality.

The experience of many countries suggests that the most effective mechanism is to provide the funding directly to providers under the terms of a clear service level agreement.

However, the challenges of extending nursery education in partnership with the private and voluntary sectors are significant. It will be necessary to ensure that the benefits to providers are sufficiently attractive for them to wish to join the programme. The public nursery education funding allocation will need to be set at a realistic level, formula funded with an inflation index to make providers willing to join, and comply with any conditions set around the delivery of quality education.

The Department for Education, Sport and Culture has significant experience of working with the private sector through the partnerships that have been established with the private schools. It is anticipated that similar arrangements could be agreed with the private and voluntary providers within the context of the draft framework attached to this report (**Appendix 2**).

This framework establishes the concept of a Nursery Education Fund. Under the terms of the framework, nursery education providers who wished to be part of the scheme would be required to apply and meet the requirements for registration.

The States would then purchase, at an agreed rate, the full cost per hour of nursery education for each eligible child, for up to 20 hours per week, 38 weeks per year under the terms set out in the framework.

How would the States work in Partnership with Key Stakeholders?

Following the recommendations of the Education and Home Affairs Scrutiny Panel, significant work has already been undertaken on the development of a Jersey Early Years Partnership (**Appendix 3**).

The key principle underpinning the proposed partnership is a two-way process of communication and collaborative working. Members will be consulted about policy initiatives and, as a collective body, under an independent Chairman, stakeholders will have a fundamental role in informing overall strategy in relation to early years and childcare. The model is drawn from best practice in Early Years Development and Childcare Partnerships in England and has been modified to take account of local context.

Financial and manpower implications

The cost of funding this amendment to offer free nursery education entitlement of 20 hours per week term-time to all children is based on a number of general assumptions.

The cost of funding this amendment to offer free nursery education entitlement of 20 hours per week term-time to all children is based on a number of general assumptions –

- Demographic projections modelled by the Department for Education, Sport and Culture using data provided by the Chief Minister’s Statistical Unit are accurate to within 2%.
- The projections for 2010 and 2011 have been updated to reflect the unexpected increase in birth rate in 2007, and the figures for 2012-2013 are based on the average forecast birth rates for the period 2009-2011.
- A fair and reasonable fee to pay for a nursery education place in the private and voluntary sector from September 2009 would be £4.55 per hour.
- In order to qualify for funding, the providers in the private and voluntary sector will need to comply with an agreed quality framework that will also be applicable to the States nursery sector.
- The nursery education fee would be increased in line with inflation.

Projected Costs:

<i>Year</i>	<i>Total Cohort</i>	<i>States Places</i>	<i>Private Sector</i>	<i>Funding Per Hour</i>	<i>Gross Cost</i>
2009 (Sept.)	949	510	439	£4.55	£551,300
2010	932	510	422	£4.67	£1,497,760
2011	966	510	456	£4.78	£1,656,560
2012	950	510	440	£4.90	£1,638,560
2013	950	510	440	£5.02	£1,678,690

The manpower implications of introducing these proposed new arrangements are considered to be minimal, and will be met from within existing staff resources.

Summary

Providing universal free early education for all three and four year-olds is something that countries throughout the world aspire to. Most do not yet have the capacity. Jersey has it within its grasp. With minimal growth in provision, and assuming that all providers join the nursery education programme, it would be possible to meet demand.

Providing free nursery education across the whole sector would build on the strengths of current educational provision which is well supported, popular and recognised as high quality.

By supporting this amendment to the Annual Business Plan 2009, States Members will be making provision for a greater number of three and four year olds to access free early education for up to 20 hours per week, 38 weeks per year. This would

represent a significant step towards the development of a clear and equitable strategy for integrated early education and care in Jersey.

It will create equity whilst improving access, affordability and parental choice. It will pave the way for a more constructive, strategic partnership between all providers and create conditions that will facilitate continuous improvement in quality.

(4) Home Affairs Department

Members will recall that the Council of Ministers has approved the Draft Discrimination (Jersey) Law 200- that will, ultimately, outlaw discrimination on the grounds of race, sex, disability and age. The draft Law has been the subject of public consultation in advance of consideration by the States later this year.

The draft over-arching Law aims to prohibit discriminatory conduct. It sets out areas where discrimination will not be tolerated, for example, in employment, education, the provision of goods, facilities and services, and in the management of clubs and premises, subject to certain exceptions. It also sets out the specific mechanisms for enforcing the standards.

The exact types of discrimination covered by the Law will be subsequently introduced in stages by Regulations. These will cover separately race, sex, disability and age. It is intended that the first set of Regulations will relate to race discrimination and these should be put before the States early in 2009 when it is expected the Law will come into force.

The legislation supports the strategic aim of the States to promote a safe, just and equitable society and to reinforce basic rights and equal opportunities for all sectors of the community. This is particularly relevant given a significant section of Jersey's population has diverse national, ethnic and racial backgrounds. Once the Law and the Race Regulations are enacted, they will support Jersey's commitment to international standards, in particular the United Nations Convention on the elimination of all forms of racial discrimination.

Previous Funding

Members will recall that in the 2007 States Annual Business Plan an amount of £500,000 was allocated for the implementation of Discrimination Legislation as part of the Strategic Plan funding. It was always anticipated that the introduction of the legislation should be phased and when the funds were approved in the States Annual Business Plan 2007 – 2011 the following observation was made – *'it is unlikely that all of the funding will be required in the first year following the introduction of the Law and it is intended that the balance of funds will be used to supplement the Prison budget in the short term, until the funding pressures are resolved'* (Annex page 60).

Following 2 reports from Her Majesty's Inspectorate (HMI) of Prisons, which identified inadequacies in provision and arrangements to support the varied group of prisoners at La Moye and recognition that the Prison has historically been under-funded, a full review of the Prison budget was undertaken in 2007. The results were presented to the Council of Ministers, which accepted the evidence that the budget for the Prison fell short of the resources required for the size and complexity of the task. The Council concluded that there should be an increase in the Prison's base budget and following discussions agreed that the funds originally allocated for the

implementation of Discrimination Legislation should be diverted to the Prison for 2008 and beyond. The additional funding for the Prison has allowed for the recruitment of additional staff and the implementation of certain initiatives previously included in the Prison Performance Improvement Plan including Prison Education.

Consequently, the implementation of Discrimination Legislation will require new growth funding. Alternatives for the administration of the Discrimination Legislation are being evaluated and once the first phase of the Law is implemented in 2009 the budget will be reviewed.

Financial and manpower implications

The financial implications of this amendment are self-explanatory and depending on the agreed enforcement mechanism there may be the need for a new post of Discrimination Officer.

(5) Planning and Environment Department

Environment Package

It is proposed to introduce an emissions-banded Vehicle Emissions Duty (VED) from 1st January 2009 in order to progress the environment, recycling and sustainable transport strategies, and address rising heating, lighting and petrol costs.

The tax will be on the registration of new vehicles (plus at a reduced rate on hire cars and on imported second hand vehicles). The tax will be introduced at a low rate which will yield an estimated £2 million in 2009.

It is intended that the tax will be increased in future years, with disproportionate increases on high polluting vehicles. The revenues from VED will be earmarked for environmental purposes, in particular, to reduce energy consumption, increase recycling, and reduce car travel.

It is proposed that in 2009, £1 million will be spent on promoting energy efficiency, £0.5 million on recycling, and £0.5 million on increasing bus travel and journeys by bicycle and by foot.

Energy Efficiency – Grant to ‘the Jersey Energy Trust’ £1 million

At a time of rapidly increasing energy prices it is critical that action is taken to help people, and in particular the most vulnerable in society, to reduce the amount of energy that they use. A central theme of the forthcoming Energy Policy will be to reduce overall energy use and improve energy efficiency as this will contribute significantly to all the goals of energy policy – *‘to provide secure, affordable and sustainable energy.’*

£1 million of revenue will be added to the voluntary donation from the Jersey Electricity Company of £0.5 million, and will be used to promote energy efficiency. A Jersey Energy Trust will be created in 2009 and its role will be as an impartial energy advice service. The Jersey Energy Trust will be an action-orientated body that provides advice and assistance to help Islanders to reduce their energy consumption. Initial actions will be directed towards low income and vulnerable groups – it is estimated that there are up to 1,300 households who spend more than 10% of their income on fuel bills.

Funding will be directed towards grant assistance for weatherisation programmes including home energy audits and follow-up remediation measures such as the fitting of loft and cavity wall insulation; draught proofing and improving the efficiency of boilers.

In subsequent years the energy efficiency programme will be expanded into all households and businesses and to promote the uptake of small scale renewable technologies.

(6) Social Security Department

Supplementation

Supplementation is the payment required under Social Security (Jersey) Law 1974 whereby the States tops up the social security contributions for those whose earnings are not sufficient for them to pay the full contribution required. The money is not 'spent' as such but paid into the Social Security Fund to meet future benefit and in particular pension payments. This is one of the mechanisms the States have in place preparing for the future requirements of the ageing population.

If these contributions were not supplemented, then current benefit and future pension entitlement for those earning below the earnings limit (currently £40,728 per annum) would be reduced. The benefit entitlement of those earning more than this would not be affected. Supplementation therefore ensures that the benefit entitlement of the low and middle earners is protected at the same level as that of the higher earners.

The cost of supplementation is driven by a number of factors:

Increase in the earnings limit:

The upper earnings limit for contributions is increased each January in line with the rise in average earnings, as per the average earnings index of the previous June. This is linked to the policy, embedded in legislation, that old age pensions and other contributory benefits are increased each year in line with the rise in average earnings.

The size of the working population:

Economic growth in recent years has led to increases in the workforce and, as approximately 56% of all workers are paid below the earnings limit, this leads to an increased cost of supplementation. Initial figures for 2008 show that the workforce is continuing to grow.

The actual increase in earnings:

Any differential between the increase in the earnings limit and increases in actual earnings will further influence the cost of supplementation. For example if the average earnings index for June 2008 of 4.3% is indicative of wage increases below the earnings limit, then this will increase further the costs of supplementation in 2008, when the earnings limit was increased by 4.7%.

At the beginning of 2008 the Department of Social Security indicated to the Council of Ministers, based on the figures available at that time, that the cash limit allocated to the Department would require an additional £2.1 million for 2009 over and above the estimates previously provided for. This increase was in respect of the additional costs arising from the increase in the number of workers and the lower than average

earnings increase experienced by lower paid workers. This was included as a “significant funding pressure” in the 2009 Business Planning process.

In arriving at the draft Business Plan for 2009, it was agreed by the Council of Ministers that additional funds needed to meet the forecast growth in Supplementation arising from economic growth would not be provided for in the Business Plan and that only the up rating in accordance with the predictions for the average earnings index would be provided. A budget of £63.6 million for 2009 was proposed.

The receipt of the 2008 ‘A’ Quarter contribution data in June showed that the cost of supplementation was higher than forecast for that quarter. Whilst the change was small, the initial revised estimates showed that for 2008 the cost could exceed the 2008 cash limit by up to £2.1 million. Once the contributions have been collected for the 2nd quarter of 2008 (mid-September), the Department will be able to forecast the total cost for 2008 with more certainty, to assess what additional funds may be required for the current year.

However, the continuing growth in the economy together with the increase in the numbers in work and the effects on the cost of supplementation has a significant impact upon the forecast for 2009 and the revised estimates indicate that the Department could be under funded by up to £4.5 million for that year. This represents a growth in the total estimated cost from the previous estimate made at the beginning of 2008, of up to 3.5% ahead of the 2007 total cost and 2008 first quarter cost being known.

The Department is actively pursuing a number of options to reduce the ongoing cost of supplementation and amend the system of supplementation to reduce uncertainty in cost in future budgets. All such options will require changes to primary and/or secondary legislation as well as changes to the administrative and IT systems within the Department. The Department will be able to implement some of these measures in 2009 (subject to States approval) but whilst significant these are unlikely to have an impact on the cost of supplementation in that year, sufficient to save the full £4.5 million per annum plus the cost to supplementation of an increasing workforce for the future years which is not provided for in the estimates for 2010 – 2013.

Savings to supplementation of the magnitude of £4.5 million plus the costs of economic growth are likely to require fundamental changes to the structure, as well as increases to the level, of employee and/or employer social security contributions.

The revised growth forecast comes largely from the increasing size of the workforce encountered in recent years as a result of economic growth, approximately 55 – 57% of whom have earnings such that their contributions attract supplementation.

The initial analysis of the first quarter’s data has shown that the growth in the workforce has continued, with the number of contributors having risen by 1.4% over the same quarter in 2007. Of these contributors, the numbers of those whose contributions requiring Supplementation has risen by 3% to 32,062. It is also evident that the average earnings of those whose contributions have been supplemented have not kept pace with the earnings ceiling, in line with the June 2007 average earnings figure of 4.7%. This may be as a result of a reduction in the average numbers of hours worked, lower levels of pay rise, a change in the proportions of employees working in differing sectors or a mixture of these factors.

Whilst the Department is undertaking further analysis of the data and revising forecast spend across other cash limited expenditure for 2008 to ensure, if possible, that the

cash limit for 2008 is not exceeded, it is very unlikely that this could be achieved in 2009, given the scale of the costs involved.

There are very few options available to the Department to address this issue within the proposed cash limit for 2009 and whilst it may be possible to make some savings, they would result in reduced quality of customer care or may even lead to more costs incurred by the Department in terms of, for example, contributions not being collected or fraud going unidentified. Other cuts would impact on the most vulnerable of society and would be clearly unacceptable.

These options would not achieve savings anywhere near £4.5 million. The Council of Ministers proposes therefore to increase the cash limit for 2009 in accordance with the current statutory obligations, but that any amounts not required as a result of changes to the forecasts or the contribution system, would not be available for other purposes.

(7) Social Security Department

Employment and vocational day care service opportunities for people with learning disabilities and people on the autistic spectrum

On 10th July 2008, the States considered P.102/2008 of Deputy Ian Gorst. That proposition, approved by States members by 42 votes to nil, asked the States to receive the Strategy for Inclusive Vocational Day services and Employment for people with a learning disability and people on the autistic spectrum as drafted by the Joint Secretariat Executive Board for People with Special Needs.

The proposition went on to –

- (a) request the Ministers for Social Security, Education, Sport and Culture, and Health and Social Services to review and consider this Strategy and take all necessary steps to support its implementation in order to find solutions to reduce pressures on existing services in providing appropriate work and vocational day service opportunities for people with learning disabilities and people on the autistic spectrum; and
- (b) request the Chief Minister to incorporate funding arrangements within the 2009 Annual Business Plan to enable any solutions that are identified to be implemented.

This amendment if approved is to give effect to the above States decision and to add, to the Social Security cash limit, the funds identified with the above strategy, such that once the Departments concerned have completed their findings and proposals, then the funding will be available immediately rather than a wait for a further year for funding to be agreed.

The funding will be separately identified within the cash limit of the Social Security Department for the purposes of providing work and vocational day care service opportunities for people with learning disabilities and people on the autistic spectrum and would not be made available for other purposes.

(8) Social Security Department

Income Support Transitional Relief and Winter Fuel Allowance

On 22nd August the Council of Ministers announced a package of measures to address the unprecedented increases in food and fuel costs being experienced by Islanders.

The Council of Ministers, supporting the zero-rating of GST on food; is maintaining the current rates of Income Support, thereby increasing payments in real terms once food is zero-rated and increasing funding available for insulation of homes.

In addition, the Council of Ministers is proposing to extend the transitional relief for those receiving protected benefit payments, such that no reduction in benefit will be seen until October 2009. In addition to the extensions to transitional relief already announced by the Minister for Social Security, this measure will protect the income of approximately 3,500 households at an additional cost of £2.2 million (£2.17 million on breakdown) in 2009, falling to £0.2 million by 2013.

In recognition of the significant increases in the cost of fuel, the Council of Ministers are proposing that the Winter Fuel Allowance be increased by 20% with effect from the payment in January 2009 (which is based on the weather for December 2008). This increase is in addition to the 6.8% increase already approved through increases to the Income Support components during 2008.

The Winter Fuel Allowance is paid to families on Income Support with either –

- An adult over 65;
- A child under 3; or
- A child or adult with a significant disability.

Last winter it was paid to approximately 2,250 families per month and the additional cost of the proposed increase would be £150,000 in 2009.

(9) Transport and Technical Services Department

Recycling – £0.5 million

The funding for the replacement Energy from Waste plant has been agreed by the States on the basis that the final capacity of the plant will not exceed 105,000 tonnes of waste. In order to achieve this, recycling rates must increase from the target of 32% by 2009 set in the Solid Waste Strategy to 36% by 2018. Critical to achieving and perhaps exceeding this more challenging target is the implementation of an Island-wide kerbside collection system.

The extra funds will cover the start-up costs of introducing household recycling collections to the remaining Parishes. A total of £0.35 million would be required for the supply of kerbside containers and to deliver a high profile and comprehensive launch campaign.

The remaining balance will contribute to the costs of handling and exporting the additional materials collected and allow TTS to re-commence the recycling of hazardous electrical waste (TVs, batteries and computers) including the backlog stockpiled in 2008.

In subsequent years the extra funds will allow TTS to expand the recycling infrastructure in line with the revised Solid Waste Strategy.

Sustainable Travel and Transport – £0.5 million

Locally there is a high dependency on individual travel in private cars. This leads to congestion, localised poor air quality, traffic safety issues and high use of road fuels, which in turn contributed to nearly one quarter of the Island's carbon emissions in 2007.

The draft Integrated Travel and Transport Plan (ITTP) outlines a number of measures to encourage the uptake of more sustainable travel options and, if £500,000 became available from introducing VED, the following would be delivered in 2009 –

- Additional commuter bus services and real time information at key locations will be introduced and bus fares increases will be put on hold.
- Proposals for an eastern cycle route (or routes) will be investigated and, where feasible, the first stages of implementation will be commenced.
- Following the success of the St. Martin's 'Safe Route to Schools' project, a further scheme (or schemes) will be implemented to encourage children and parents to leave the car at home.

In subsequent years additional funding will be used maintain low bus fares and expand the capacity of routes; and to deliver new facilities such as the proposed Eastern Cycle route.

(10) Treasury and Resources Department

Introduction

The proposed zero-rating of GST on food will introduce additional complexities to the administration and collection of GST.

GST Administration

The GST and Customs teams are currently resourced to administer GST in its present relatively simple form. The increased complexity and administrative requirements introduced by the zero-rating of food will require the permanent recruitment of additional staff in both teams.

It is expected that 3 additional GST staff would be required and one additional customs officer. These staff will obviously require training, accommodation and equipment. It is estimated that the additional cost associated with administering the zero-rating of GST on food in 2009 would be approximately £300,000.

(11) Law Officers' Department

The Draft Annual Business Plan shows in Table 3.3 those priority service pressures which could not be included in cash limits. The total amount that could not be included for the Law Officers' Department was £650,000. Included in the total of £650,000 is an additional Legal Adviser to handle the legal issues which would result from the introduction of the Freedom of Information Law. As the Law will not be considered by the States in 2008 it could not come into force during 2009 and

therefore the need does not arise in that year. Should the Law be agreed there will be a need for this post, but until it has been agreed it would not be appropriate to increase the cash limits to reflect it. This amendment therefore proposes that the remaining priorities be funded and that £520,000 be added to the Department's cash limit, which will also require the addition of 4 posts.

The Business Plan includes an increase in the Department's cash limit of £230,000 and this bid is in addition to that increase. The uses to which the further sum of £520,000 would be put are as follows, with each explained in more detail in the subsequent paragraphs –

- Salary levels to enable recruitment and retention of staff £80,000;
- One additional senior and one additional assistant legal adviser to deal with increasing workloads £280,000;
- An Assistant Legal Adviser for secondment to White & Case in Brussels £60,000;
- A records manager to comply with Public Records Law and workload £100,000.

Salary levels to enable recruitment and retention of staff

The market in Jersey for good lawyers is very active and the department faces severe competition in recruitment of staff. The Comptroller and Auditor General has confirmed that the pressure from competitive salaries is a significant problem for the department and its effectiveness is threatened by this difficulty. The growth of £230,000 that has been allocated will allow some changes to be made, but it is expected that there will be continuing pressures and the additional £80,000 will allow those to be dealt with.

Members may recall that a review of the salaries in the Law Officers' Department was conducted by a Pay Review Board chaired by Mr. Colin Powell, OBE, in 2002 pursuant to a decision of the Human Resources Committee of the day. The purpose of that review was to review the external comparability and internal relativity of the salaries and benefits paid to the Crown Officers and States legal appointees having regard to –

- remuneration paid to comparable offices of equivalent responsibility and similar accountability in the Jersey private sector and other Jersey public sector organisations, UK public sector and any other employment sectors or community/jurisdictions deemed appropriate;
- the prevailing local labour market forces in the areas under consideration and the need for the States to recruit, develop and obtain officers of the appropriate calibre.

The findings of that review were that there was a substantial disparity with the private sector in some areas and that some of the salaries at the more experienced level should be increased by significant percentages. In fact the findings were not implemented in full. Since then, remuneration in the private sector has continued to increase at greater levels than for Public Sector lawyers, and although the gap at the lower level of the younger lawyers is not so very great, there is a substantial difference between the earning power of a more senior Public Sector lawyer and one in the Private Sector.

The Council of Ministers recognises that the Island cannot afford to pay senior Public Sector lawyers at the same rate as they would earn in the Private Sector. However, it would be foolish to think that the advantages of a Public Sector legal environment – the sense of worthwhile service for the public good, an attractive Pension Scheme and the diversity and therefore the interest of the issues to be considered – will outweigh the need to provide for one’s family in a time of rising house prices and to match the standard of living attainable in the Private Sector.

In the last 10 years, the Law Officers have, like Private Sector legal firms, pursued a policy of encouraging lawyers in the Department to qualify as Jersey Advocates. Since 2000, 9 people have qualified through the Department; 2 of those left shortly afterwards and are now partners in local law firms, one has left to pursue an alternative career and the remaining 6 so far remain employed in the Department. There are 6 others at different points on the road to legal qualification. The Law Officers take the view that the skills available in the Department have increased considerably over this period and it was absolutely necessary that it should have done so in order to meet the challenges which are presented from a changing and growing workload. More detail about the work of the Department can be found in the Attorney General’s Reviews which are published annually and are available on the Law Officers’ Department website at www.gov.je.

This comes at a price. One cannot expect to train lawyers to qualification and keep them thereafter without increasing their salaries beyond mere cost of living increments; and there is no point in spending effort and resource in training only to lose the lawyers once the qualification is obtained, or shortly thereafter.

Of course, the process cannot continue indefinitely. The shape of the skill sets available in the Department has been the subject of discussion between the Law Officers and their senior advisers. Some turnover is not only inevitable but can even be positive. It is desirable occasionally to see gaps at the top to provide for career progression and to see some newly qualified lawyers go elsewhere to enable the recruitment of trainees to replace them who themselves would then go through the process of qualification.

However the budget has not grown sufficiently in the last 8 years to match the greater skills the Department has now within it. The Council of Ministers noted that something could be done within existing cash limits but this was not enough. Of the additional sum sought by the amendment, £80,000 reflects the money needed to enable the States to remunerate the lawyers in the Department at an appropriate level.

Two additional senior legal advisers to deal with increasing workloads

A Senior Legal Adviser to work in the Constitutional, Human Rights and Legislation Group, where the amount of work required of the Department has grown enormously. The causes of the increase are various – in part as a result of domestic political initiatives; in part as a result of the Island assuming more responsibility for its own legislation rather than agreeing to have UK legislation applied to us either directly or by Order in Council; in part by the need for new legislation to meet international standards or Conventions by which the Island has agreed to be bound. In addition there has increasingly been work required to analyse the new Conventions which the Island has been asked to ratify. These need to be measured, not only against existing Jersey domestic legislation, but also against the resources which would be required to implement the different obligations in the Convention, and although the assessment of

resources is not a matter for the Law Officers' Department, the analysis of the obligations and the Conventions definitely is.

A Senior Legal Adviser to join the General Section and to be available to meet demands by other Departments for advice on the wide range of problems passed to us. The reality is that more legislation almost inevitably means more day to day problems which need to be considered and addressed.

An Assistant Legal Adviser seconded to the Island's Legal Advisers in Brussels

An Assistant Legal Adviser to be seconded to the office of the Island's Legal Advisers in Brussels. This opportunity has recently presented itself, and is one which seems too good to miss. Not only will such a secondee have the opportunity of improving in the Brussels lawyers the understanding of the Island's particular circumstances and the reasons for the advice which is needed, but he or she will also be able to pick up at first hand the interface with the European Commission where the practical application of EU law and of the *acquis communautaire* is made. It is to be hoped that the contacts made at junior levels in the Commission will provide a long term return to the Island as such officials climb the ranks in the Commission. It is also hoped that the secondee will be able to make contacts with the UK Mission to the European Union which would also be of long-term value. This appointment would probably be for a period of 12 months to 2 years and then further appointments made on a rotational basis, the arrangement being intended to support the States policy of seeking a greater international capacity.

A records manager to comply with Public Records Law and workload

A Senior Assistant Legal Adviser to act as a Records and Information Manager. The need for this post is acute. Not only is the Law Officers' Department currently unable to meet its obligations under the Public Records Law as a result of paucity of resources, but the quantity and diversity of information in the Department needs management at a qualified level which will improve –

- (a) the easier retrieval of advice given previously on the same or a similar subject matter;
- (b) the preparation of standard forms of documents; and
- (c) the production of library precedents,

all of which should improve the response times of the Department to their requests for assistance and advice.

In his report on Spending Pressures the Comptroller and Auditor General has confirmed that there is a need for additional resources, but that they should be accompanied by improvements in managerial arrangements. The Attorney General and Solicitor General will be working with the Chief Executive to the Council of the Ministers with advice from the Comptroller and Auditor General in order to implement any necessary improvements.

If the States is to receive the highest quality timely legal advice then it is important that the Law Officers' Department is properly resourced to fulfil these requirements. At present it is quite clear that the workload and competitive recruitment pressures are seriously impacting on the Department's ability to meet all of the demands in a timely and consistent manner. This amendment would provide much-needed additional

resources and would be accompanied by the necessary changes to ensure that the States receives the highest quality legal advice as and when required.

Summary of financial and manpower implications

These proposals will increase gross spending by £11.7 million in 2009 and net spending, after £2 million from VED, by £9.7 million. From 2010 onwards they increase gross spending by approximately £10 million and net spending, after £5 million a year contribution from VED, by approximately £5 million.

These proposals are consistent with the Strategic Objective of balanced budgets over the 5 year period 2009 – 2013.

The effects of the amendments to States expenditure for the period 2009-2013, and the effect on the Financial Forecast are illustrated in the following table.

Probable 2008	£m	Forecasts				
		2009	2010	2011	2012	2013
		£m	£m	£m	£m	£m
States Income						
460	Income Tax	475	490	510	530	550
-	0/10% Corporate Tax Structure	(9)	(77)	(82)	(87)	(96)
30	Goods and Services Tax	45	46	47	48	50
50	Impôts Duty	50	49	49	49	49
	VED *	2.0	3.8	5.0	5.2	5.2
30	Stamp Duty	31	32	33	34	34
-	Tax/Stamp Duty on Share Transfer	1	1	1	1	1
44	Other Income	33	27	25	24	23
10	Island Rate	10	11	11	11	12
624	States Income	638	583	599	615	628
States Expenditure						
524	Net Revenue Expenditure	531	549	567	584	602
-	CMD - International Relations, etc.	0.570	0.584	0.599	0.614	0.629
-	CMD - Tax Strategist	0.200	0.205	0.210	0.215	0.220
-	ESC - Early Years	0.552	1.498	1.657	1.639	1.679
-	HA - Discrimination Law	0.250	0.256	0.263	0.269	0.276
-	P&E - Environmental Package*	1.000	2.000	2.500	2.650	2.650
-	Soc. Sec. - Supplementation	4.500	-	-	-	-
-	Soc. Sec. - Inclusive vocational day services and employment	0.529	0.842	0.863	0.884	0.906
-	Soc. Sec. - Inc. Support	2.170	1.900	0.950	0.550	0.180
-	Soc. Sec - Winter Fuel	0.150	0.156	0.161	0.166	0.171
-	TTS - Transport & Recycling*	1.000	1.752	2.500	2.500	2.500
-	T&R - GST Admin	0.300	0.308	0.315	0.323	0.331
-	Law Officers - Staffing	0.520	0.533	0.546	0.560	0.574
524	Revised Net Revenue Expenditure	543	559	578	594	612
	Increase	5.41%	3.00%	3.31%	2.91%	2.99%
143	Net Capital Expenditure Allocation	38	40	37	35	16
667	Total States Net Expenditure	581	599	615	629	628
(43)	Forecast Surplus/(Deficit) for the year	57	(16)	(16)	(14)	0
-	Transfer to Strategic Reserve	-	-	-	-	-
(38)	Transfer to Stabilisation Fund	-	-	-	-	-
13	Estimated Consolidated Fund balance	70	54	38	24	24
For comparison purposes:						
(43)	Forecast surplus/deficit from Draft Business Plan 2009 (as lodged)	67	(10)	(10)	(9)	5

Note:

* The proposals for environmental, recycling and sustainable transport initiatives would be dependent upon the approval of the introduction of a new Vehicle Emissions Duty (VED) from January 2009

These proposals would result in an increase of 16 full-time equivalent States staff above those already included in the 2009 Business Plan as illustrated in the following table –

<u>Department</u>	<u>Proposal</u>	<u>2009</u> <u>£m</u>	<u>2010</u> <u>£m</u>	<u>2011</u> <u>£m</u>	<u>2012</u> <u>£m</u>	<u>2013</u> <u>£m</u>	<u>FTE</u>
Chief Minister's	International Relations, Emergency Planning, Social Policy support, Chief Minister Support and Improving Resource Management	0.570	0.584	0.599	0.614	0.629	6.00
Chief Minister's	Tax Strategist	0.200	0.205	0.210	0.215	0.220	1.00
Education, Sport and Culture	Early Years Education	0.552	1.498	1.657	1.639	1.679	0.00
Home Affairs	Discrimination Law	0.250	0.256	0.263	0.269	0.276	1.00
Planning and Environment	Environmental Package and Energy Efficiency	1.000	2.000	2.500	2.650	2.650	0.00
Social Security	Supplementation	4.500	-	-	-	-	0.00
Social Security	Inclusive vocational day services and employment	0.529	0.842	0.863	0.884	0.906	0.00
Social Security	Income Support Transitional Relief and Winter Fuel Allowance	2.320	2.056	1.111	0.716	0.351	0.00
Transport and Technical Services	Sustainable Travel & Transport and Recycling Initiatives	1.000	1.752	2.500	2.500	2.500	0.00
Treasury and Resources	Administration for Zero Rating of GST on food	0.300	0.308	0.315	0.323	0.331	4.00
Law Officers'	Staffing for restructuring and improved service levels	0.520	0.533	0.546	0.560	0.574	4.00
<u>Total Implication</u>		<u>11.741</u>	<u>10.034</u>	<u>10.564</u>	<u>10.370</u>	<u>10.116</u>	<u>16.00</u>

Fair Nursery Places for all 3-4 Year Olds A Jersey Child Care Trust Consultation Exercise

Introduction

The Education and Home Affairs Scrutiny Panel's Early Years Report contained the following recommendation. *'The Minister for Education, Sport and Culture should organise a stakeholder consultation event with an independent Chairman to resolve the ways and means to deliver free, flexible entitlement of quality Early Years education for rising four year olds. This should be undertaken in time for the 2009 intake of nursery children'*. In response to this recommendation, the Minister for Education, Sport and Culture (ESC) commissioned the Jersey Child Care Trust to undertake a consultation exercise. Two streams of consultation took place, resulting in 51 written responses and 68 participants at the consultation event. This was funded by the Department of ESC, co-ordinated by the JCCT with support from the States of Jersey Communications Unit and the Dept for ESC. An independent research analyst, Marion Walton compiled two reports following the consultation.

A number of limitations to this consultation study should be highlighted, notably the absence of detailed cost implications for the options and disappointingly, the ethnic minority groups did not respond to the invitations.

Discussion

Respondents considered four options, their comments and our conclusions will be discussed in turn:

Option 1: Continue to Build Nursery Classes at Primary Schools

Currently there are 17 Primary Schools with a nursery attached and five without. It is not possible to provide a nursery class at two of these due to their location so this option is limited in its impact, as it would only provide an additional 90 nursery class places.

This option received the strongest support from the written responses which included comments that they were keen that the States 'finish what they started', whereas there was little support for this option at the consultation event. The major difference in views could be because those who responded in writing may not be aware of the limitations of this choice, whereas those who attended the event would be.

The commitment that the States have made to build nursery classes attached to States Primary Schools has clearly been a good investment to-date and this perhaps led to the strong support from the written responses. There are indeed a number of advantages to providing nursery education at primary schools, notably the ease of transition for the children and their parents. Respondents raised the matter that this transition would be far more successful, if applications for nursery class places were linked to applications for places within that school.

The JCCT is aware that there has been a strong correlation between the opening of new States nursery facilities and the closure of private pre-school facilities over the last few years. In addition, there is concern for the future provision for 0-3 year-olds who require a higher, costlier ratio of adults to children, and therefore rely upon the 3-4 year-old to keep the finances balanced.

This option alone cannot meet demand. In addition, it would provide a lack of continuity of care for those working families who require more than 30 hours per week, term-time only. To choose this option would not provide an equitable or long-term solution and would not achieve the objective of a fair system for 3-4 year olds.

Option 2: Provide 15 Hours For All in States Nurseries

The current situation provides half the Island's 3-4 year-olds with 25 hours of free care and half with no free care at all. This option proposes every 3-4 year-old would receive 15 hours of free care per week, term-time only and in a States nursery.

This option would not be a workable solution for Jersey where we have one of the highest rates of working women in the world at 79%. To choose this option would create a fragmented care situation for many families. One written response also highlighted the likelihood that most parents would want the morning places. It would also pose an almost impossible challenge to the private sector.

In addition, 15 hours for all may appear equal, however, when considering the individual needs of children, Dr. John Bennett is quoted as saying, "equal is not enough". By this he means that some children with particular needs will require more than their peers to achieve their best outcomes.

This option is not a workable solution for all families.

Option 3: Develop a States and Private partnership to provide some free hours for all

This option would enable every family the choice to take up to 25 hours' free access to a States nursery or 20 hours' free access to a private provision. A parent could then pay for 5 hours' lunch cover at a States nursery for a full-time place, or for further hours required in a private nursery, i.e. up to 30 hours more, per week, for a full-time place.

There was no concern expressed from respondents, for the difference of 20 hours in private or 25/30 hours in States settings previously proposed by the Minister for ESC. The settings offer different services and this option would provide true choice for families based upon their needs.

A great deal of joint working would need to take place, in order that the system best meets the needs of children, their families and the providers who offer the service. Although there was a mixed response from the written submissions to the

consultation, there was an almost unanimous vote for this option at the consultation event. This could be because the participants were presented with much more information to help them form their decision.

The consultation responses share a theme surrounding the need for good quality provision. A fundamental success of determining what good quality is when providing free access to public and private provision will be if this is addressed by the formation of a working group. This working group should include members of both private and public sectors and their conclusions should be a determining factor in any provision's ability to offer States funded hours.

The consultation event demonstrated that some very positive bridges already exist between the public and States provision but also enabled new links to be built. This can only be beneficial for providing nursery care in the best interests of the Island's children.

Option 4: The cost should be met by the States, the parents or a combination of both

This option gave the different total costs for each proposed option, but more detailed cost information was requested by respondents for the options.

When considering the financial aspects of the consultation exercise, there was frustration that the broader context of childcare was not taken into account within this consultation. In both written and participants' comments the option to care for their own children was raised.

Means-testing, as a principle, could hinder some families accessing any nursery provision before the child enters reception. John Bennett speaks of the most successful uptake of places within early childhood centres where access is universal.¹

The option of the parents paying for the currently free entitlement also would be a backward move against all the current research, good work and investment that has already taken place.

¹ Dr. John Bennett, OECD. Presentations in Jersey, 12th & 13th July 2008.

The JCCT propose that for a relatively small additional sum of money² from the States, every child could receive at least 20 free hours. However, work is required to determine a fair hourly rate that a private provider should receive in respect of the free entitlement. This work could be undertaken by a public/private working group, set up to investigate how best to use public funds within a partnership arrangement.

Future work on this matter should keep in mind that the States nurseries provide a maximum of 25 hours' free access per week and not the 30 hours previously always quoted. It is parents who pay for the remaining 5 hours per week to pay for lunchtime cover.

Conclusion

The written consultation gave a strong preference to carry on building nursery classes but this would not meet need. However, the consultation event favoured the private/public partnership approach. However it is possible that if those who have provided a written submission were at the consultation event, their response would have been different.

Following this consultation and taking into account the views expressed, the favoured option is considered to be the private/public partnership. This option best meets the needs of all 3-4 year-olds in Jersey.

One outcome of the EPPE Project research concludes that “the quality of pre-school centres is directly related to better intellectual/cognitive and social/behavioural development in children” and that a poor pre-school experience is equivalent to no pre-school experience³. Fair nursery places for all 3-4 year-olds not only means access for all, but should also be linked to good quality. So all 3-4 year-olds should have some free access to a good quality early years provision. This will call for a working group with representatives from each stakeholders group agreeing upon what a good learning environment is in Jersey.

² 2005 values were £1.5 million for 20 hours per week, 38 weeks per year using figures quoted in “Investing in our Future” Presented to the States by the Education, Sport and Culture Committee, 5th July 2005.

³ The Effective Pre-School and Primary Education Project (EPPE) 3-11 years 2003 – 2008.

Fair nursery places for all 3-4 year-olds should also mean a fair deal when agreeing the hourly rate from the States for the private providers who offer the essential good learning environments. Establishing a fair rate should involve some open discussion with all stakeholders.

This consultation exercise has shown that those stakeholders concerned with the issue of nursery places for 3-4 year-olds are willing to engage and work together to create a fairer system. The Early Years and Childcare Partnership would offer an appropriate forum for these recommendations to be implemented by the Department for Education, Sport and Culture in time to meet the timescale set by the Scrutiny panel.

Jersey Child Care Trust
August 2008

NURSERY EDUCATION FUND – DRAFT GUIDANCE

Introduction

In accordance with the vision for Early Years Education and Care set out in *Investing in Our Future*, the Minister for Education, Sport and Culture intends to extend free foundation stage education for three and four year-olds by creating a strong partnership between the public, private and voluntary sectors.

This strategy has been structured to provide greater choice to parents, create equity, maintain affordability and create the conditions for continuous improvement in quality.

The aim is to provide greater access for three and four year-olds to a free nursery place for 20 hours per week, for 38 weeks per year. A range of providers who will be part of a quality assured network may deliver the free provision. The Department for Education, Sport and Culture working with the Jersey Early Years Childcare Partnership will strive to ensure that there is a suitably diverse range of providers offering high quality provision to deliver parental choice.

Eligibility

Funding will be available on the basis that the child attains the age of four years between 1st September and 31st August in the year before commencing statutory education.

Key Principles

Subject to availability of places, this means that any parent wishing to access 20 hours free provision in a week should be able to do so without paying any fee. In delivering this providers will be expected to have regard for the following principles:

- The needs of the child are paramount;
- Free provision should be of the highest quality;
- Where possible parents should be able to access free nursery education that is integrated with additional childcare.

Nursery Education Fund

Funding for the free element of nursery education should not be considered as a subsidy. In other words parents should not be asked to pay the difference between the funding provided by the States and the fees that the provider would wish to charge.

Providers may not charge 'top-up' fees nor charge parents in advance and return the free part of their fees.

Where funding provided by the States exceeds the hourly fees that a provider would normally charge for the free early education component, as long as the parents are receiving a completely free place, providers may retain any excess to that hourly

funding providing that it is used to support the education of all eligible children at the setting.

It is likely that many parents will wish to purchase additional hours at their own expense. Depending on their circumstances, these parents may qualify for support with these costs through Child Care Tax Relief or Income Support. Whilst the fee charged for additional provision is between the provider and the parents, parents must not be forced to take up additional provision or activities as a condition of accessing the free element.

Some providers may be unable to open for 38 weeks. If sufficient parents make an informed decision to choose a provider that is open for less than 38 weeks, those providers may be funded for the number of weeks provision that they deliver. Where parents take such a decision and where other available providers could offer a 38 week place, there is no obligation on the States to fund additional provision at an alternative provider.

Ensuring that parents have the opportunity to request the same basic offer regardless of where they access provision, is designed to create a level playing field across all providers whether, public, private or voluntary.

Applying for Nursery Education Funding

All providers seeking eligibility to claim nursery education funding will be required to complete an initial application process.

Providers who qualify for the scheme will be required to submit an annual monitoring report which will involve feedback from parents. This will be assessed by Early Years Advisor and Administrator, Day Care Registration.

All eligible providers will be subject to periodic quality and standards evaluation. Registers and financial records pertaining to the funding arrangement will also be subject to inspection.

An eligible provider of a registered Centre wishing to access funding to support the free element of nursery education must submit details of eligible children on a 'headcount data entry form' to the Administrator of Day Care Registration (DCR) at the beginning of each term. This information must include name, address and number of hours attending. If a child attends more than one registered Centre, pro rata funding will apply.

Payment will be made directly to the provider by States Treasury against headcount information, within 3 weeks of the final date for the submission of data. Separate accounts must be kept of this arrangement.

If an eligible child enters the Centre after the final date for the submission of headcount data, the provider must send this information to the Administrator, Day Care Registration. Payment for this child will be made in the following term.

If a child included in the headcount return leaves the setting or, if the hours of attendance first stated on the return are reduced, the provider must inform the Administrator, Day Care Registration as soon as possible after the change of

circumstances. Any financial adjustments arising out of a change of circumstances will take effect in the following term.

The Role of the Provider

Providers will be required to promote the free element of nursery education to parents according to the principle of equality of opportunity and ensure that there is no discrimination.

There will also be a requirement for providers to maintain a specific bank account for their setting which, unless the provider is a sole trader, should be dual-signatory. Funding will only be paid into this account.

All fees and billing procedures will need to be clearly presented to parents and they must be made aware of any charges for additional services.

The Role of the Department for Education, Sport and Culture

The Department for Education, Sport and Culture will be responsible for determining the rate at which providers will be funded.

It will ensure that a formal Service Level Agreement exists with each eligible provider and that appropriate arrangements for governance are in place. The Department will ensure that audit and accounting procedures are in place to ensure that the funding paid in respect of free places is administered appropriately. This will require that providers make copies of their accounts available on request and that formal records of attendance are kept for each child who benefits from a funded place.

The Department will also ensure that effective mechanisms are in place to consult regularly with parents, providers and other relevant agencies so that their views can be taken into account when developing policies and provision.

The Department will put in place arrangements to ensure that providers receive funding in a way that minimises potential cash flow difficulties.

Early Years and Childcare Partnership In Jersey

1. Introduction

The purpose of this report is to propose a framework for an Early Years and Childcare Partnership in Jersey, which could be one strand of an overarching strategy for children and families in the Island.

1:1 Background to the Partnership

Following the commissioning of research in 2004 into the future of early education and childcare in Jersey by the Minister for Education, Sport and Culture (ESC), the Spratt Report highlighted a lack of co-ordination amongst early years services in the Island. Not only did this report identify issues raised in previous and current government reports, but it stressed the importance of finding an arrangement for effective communication with all stakeholders involved with children and families. Currently, the shifting patterns of provision and demographics in the Island have not only raised concerns about sustainability in some aspects of the private childcare sector, but tensions about equity of access to nursery classes have dominated many debates.

In an effort to find a positive way forward, and to address the issue of equality, a number of papers were presented to the Council of Ministers during 2006-7. This move culminated in a proposal to the States by the Minister for ESC recommending subsidy for early years education, in order to achieve equity of access across all sectors. However, this bid was unsuccessful in obtaining the necessary funding from the States. One of the recommendations found in the Education and Home Affairs Scrutiny Report (April 2008), when reviewing this policy decision, is that a partnership of stakeholders in Early Years and Childcare should be formed as a matter of urgency.

In the light of the repeated recommendations to follow this course of action, the structure found in this document is, therefore, providing a way forward in setting up an Early Years and Childcare Partnership in Jersey.

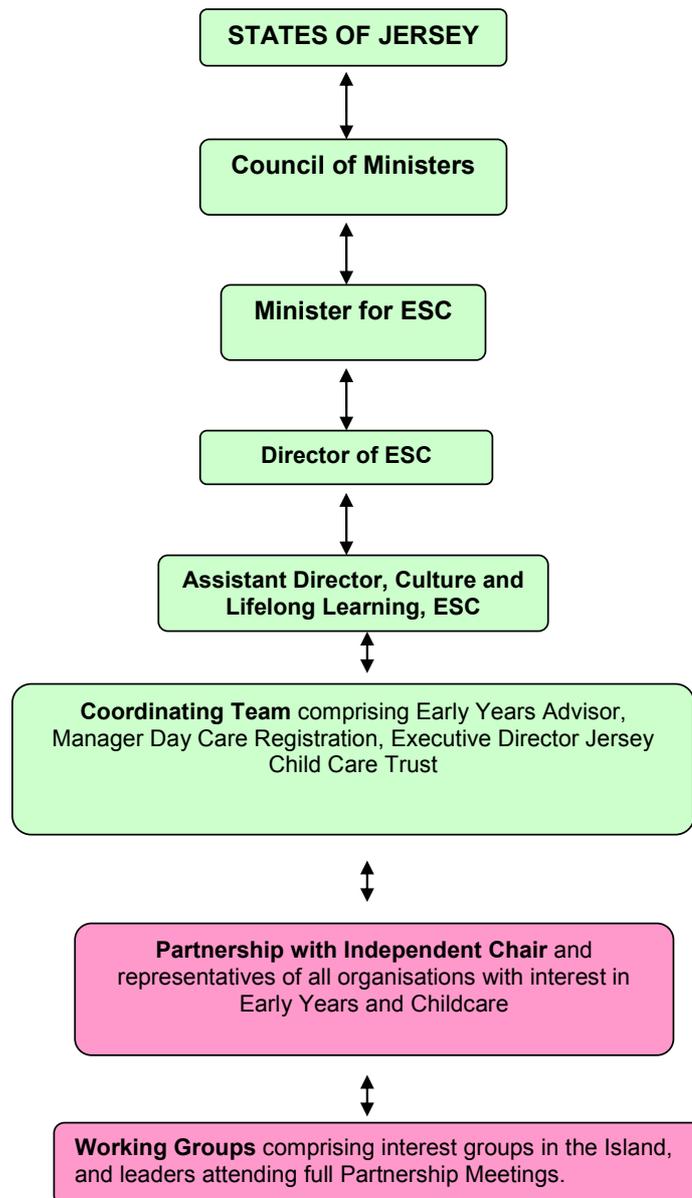
2. The Early Year's and Child Care Partnership in Jersey

The key principle upon which the Partnership arrangement rests, is a two way flow of communication and collaborative working. Not only are members of the Partnership consulted about policy in early years and childcare, but the Partnership will inform the strategic direction of early years and childcare in the States Strategic Plan. Through the formation of working groups that will submit the views of each group to the full Partnership, it is anticipated that there will be improved co-ordination of different agencies involved with children and families in the Island.

Furthermore, through these groups an opportunity for debate on the often emotive issues about ‘what is best’ for children and families will be possible.

A diagrammatic overview of the structure of the Partnership arrangement for effective communication is given on the next page, and further detailed information about each part of the structure will follow this overview. However, this structure may in the future be required to take into account any changes for families and children at the political level.

Overview of Partnership Structure



2:1 Structure of the Partnership

In order to achieve a collaborative and culturally relevant model of Partnership working, and to ensure an effective flow of communication between the States of Jersey and all stakeholders, the following organisational structure and details of roles and responsibilities is required;

- a Co-ordinating Team will be responsible for facilitating and supporting the setting up of the Partnership, and ensuring the ongoing flow of communication between the Partnership and the Minister for ESC. The Co-ordinating Team will comprise the Early Years Advisor and Manager for Day Care Registration at ESC, and the Executive Director of the Jersey Child Care Trust (JCCT) as a co-opted executive officer of ESC. Each member of the Co-ordinating Team will take on this additional responsibility within their current roles;
- an **Independent Chairperson and Vice-Chairperson** will be appointed for the Partnership, and these will be honorary positions governed by the **Partnership Terms of Reference** (see later pages 47 – 56). The key responsibility of the Independent Chairperson, and Vice-Chairperson in his or her absence, is to ensure effective communication with the Co-ordinating Team on the workings of the Partnership. The Co-ordinating Team is responsible for ensuring a flow of communication with the **Assistant Director, Culture and Lifelong Learning**, who in turn must keep the **Director and Minister for ESC** up to date on this information. The **Minister** will ensure a flow of communication with the **Council of Ministers and the States of Jersey**;
- the Partnership is informed by **Working Groups**, whose activity is governed by the **Terms of Reference for Working Groups** (see later pages 57 – 60). Membership of Working Groups will comprise individuals from the local early years and childcare community, States departments, key interest groups, and co-opted specialists as required. A representative of each Working Group informs the full Partnership of the workings of its group by attendance at full Partnership meetings, and attends the ‘call over’ meeting, which determines the agenda for each Partnership meeting;
- the **Assistant Director, Culture and Lifelong Learning**, in addition to being the key point of contact for the **Minister for ESC and Director**, will also form a disputes panel in the event of reaching stage three of an ‘unresolved dispute’, as defined in the Complaints and Disputes section of the Partnership Terms of Reference.

All aspects of the Partnership, from its purpose and Terms of Reference and minutes of meetings held, will be made public on a Partnership website, and this will be maintained by the Co-ordinating Team. In order to facilitate the high level of communication required, and to achieve cohesion, the Co-ordinating Team will be geographically placed in one location.

2:2 Working Groups

A number of initial Working Groups will be formed in the first stage of the Partnership. However, this is not intended to be an exhaustive list, but merely a means of stimulating Partnership working. The topics suggested are not only seen to usefully inform the current culture of early years and childcare in Jersey, but are considered crucial to establishing the alternative collaborative approach being pursued. Once established, each Working Group will be required to appoint a leader who will represent the views of its members at full Partnership meetings. Whilst a separate group for children is not proposed, it is expected that stakeholders will consult with children, in order that their views will be represented in each group.

The following groups will be formed as the first step in achieving a democratic decision making process that can inform policy in Early Years and Childcare in Jersey.

- **workforce quality training, recruitment and development:** to consider the availability and quality of training for the local workforce; to consider recruitment as a factor in sustainability of provision, and identify continuing professional development needs ;
- **research into early years and childcare in Jersey:** to provide relevant and robust data, for purposes identified by Working Groups, that can be useful not only to other States departments and strategies, but can also provide a practitioner resource for current research in the early years and childcare field;
- **social inclusion and special needs:** to address the issue of equity in access and provision, and to determine the effects of cross departmental and other agency policies;
- **equal opportunities:** to ensure equality of opportunity is considered in all aspects of partnership working, and in decisions made by other government departments and agencies with regard to early years and childcare policy;
- **quality in early years education:** to address the long awaited and overdue debate about what constitutes quality in early education in Jersey. This will initially be the focus of a ‘pilot’ working group, which will be set up prior to the commencement of the Partnership arrangement. From this wide consultation an early years education framework for children currently in the ‘Foundation Stage’ across the public and private sectors will be agreed;
- **school age childcare:** to consider the care of children up to the age of twelve years in private and public settings, and develop a play strategy for the island;
- **regulatory review:** to evaluate the impact of regulatory changes intended to address the welfare of the child and quality improvement, in both Centre and Family Day Care, and in relation to Nanny Accreditation;

- **parent and user group:** to include the views of this major stakeholder group in defining the services and policies required.

It is anticipated that, due to the small scale of the early years, childcare and related fields in Jersey, there will be multiple membership of Working Groups. However, providing that demands on members' time is not too great, this is seen as being of benefit in terms of cross-fertilisation and the intended collaborative inter-agency working. Multiple memberships is seen not only to provide the opportunity to discuss and communicate in a positive and more balanced way, but to consider the particular and personal positions of different stakeholders, which is often apparent in the Island culture.

It is also assumed that, although the Co-ordinating Team will be responsible for the co-ordination and support of the Partnership, because of the prevalence of multifunctional roles in the Island, they will also be members of some Working Groups, or will invited to attend as 'experts', as defined by the Terms of Reference for the Partnership.

The Partnership framework being proposed not only requires a collaborative working arrangement between staff at ESC and JCCT, but also acknowledges the value of combining multiple talents across all spheres of Partnership working. In seeking to achieve this, a review of roles and responsibilities has taken place at both ESC and JCCT, and this has resulted in closer working arrangements between the two organisations, and the planned establishment up of a one-stop Jersey Children's Information Service, under the auspice of JCCT. Furthermore, many aspects of early years and childcare previously located at JCCT will now be placed in the hands of the Partnership and Workings Groups, thereby facilitating a more democratic model of decision making.

If, in the future, the States of Jersey requires action by the Partnership within the States Strategic Plan as a result of recommendations made, it is anticipated that additional responsibility will be embraced by the Partnership, in accordance with its Terms of Reference.

Although a framework has been proposed in this report and Terms of Reference laid for its workings, a clear system of measuring success is essential to the credibility of the Partnership. It is anticipated that this will be achieved through effective monitoring and evaluation, in accordance with its Terms of Reference, and that this will commence once the Partnership arrangement is fully established in January 2009.

3. Setting up the Partnership

Setting up the Early Years and Childcare Partnership is seen as urgent, not only to respond to calls for definite action in the Scrutiny Report, but also to give a voice to a wider group of stakeholders than is currently the case.

Implementing the Partnership could be achieved as a staged process within a short timescale, and a proposed timescale is given in Table 1 on the following page.

Table One: Stages in Setting up the Early Years and Childcare Partnership in Jersey

Stage	Action Required	Timescale
One	Advertise to invite applications for Independent Chairperson and Vice-Chairperson for the Partnership, in accordance with the Terms of Reference for the Partnership and role specification	September 2008
Two	Appoint Chairperson and Vice-Chairperson. Co-ordinating Team works with Chairperson to set up Partnership.	October to December 2008
Three	Form Working Groups in accordance with Terms of Reference and determine plans of action for the forthcoming year.	January 2009
Four	First full meeting of Partnership in order to set out a Plan of Action to determine how Partnership views will inform the next States Strategic Plan.	January 2009

4. Summary

The Early Years and Childcare Partnership in this report is a new concept for Jersey, and its success rests on the willingness of stakeholders to change direction and give up their time. However, historically, achieving change in Early Years and Childcare in Jersey has been successful, and has often rested on the goodwill of stakeholders because of a concern for the welfare of children and families in the Island.

Although the success of the Partnership relies on the commitment of all stakeholders involved, endorsement at a political level is seen to be a crucial factor in giving it authenticity. This factor is also essential so that States services, such as Information Technology, can be drawn upon to make public the working of the Partnership, and provide support for the setting up and maintenance of the Jersey Information Service for Children and Families.

The proposals for an Early Years and Childcare Partnership found in this report have focused on using current talents wisely, rather than incurring additional costs. In addition to addressing issues that have been raised in many previous reports on early years and childcare, these proposals also respond to calls for a collaborative way forward.

Finally, its true success will depend on the support it receives from stakeholders, and on their belief that it is important.

Terms of Reference
Jersey Early Years and Childcare Partnership

1. Objectives

The objective of the Jersey Early Years and Childcare Partnership is to enhance the care, play and educational experiences of young children up to the age of 12 years in the Island.

2. Definitions

‘the Partnership’ means the Jersey Early Years and Childcare Partnership’;

‘the Department’ means the Department for Education Sport and Culture (ESC);

‘the States’ means the States of Jersey;

‘independent person’ means that the individual should act in a neutral manner. For these purposes an independent person does not represent a particular organisation but must at all times be guided by the interests of the Partnership as whole and childcare in Jersey in general. Therefore, under these Terms of Reference a person will be independent even if they have previously been a member of the Partnership, as long as they have resigned from that position.

3. Responsibilities

To facilitate the effective operation of the Partnership in accordance with its aims, the Partnership will respond as necessary to any States guidance or new legislation in relation to Early Years and Childcare, or new initiatives impacting upon the areas of responsibility or functions of the Partnership.

4. The Early Years and Child Care Partnership and the Department for Education Sport and Culture (ESC)

4:1 The Partnership is independent of the Department. The Department is required to constitute the Partnership but does not have direct control over it. The Partnership sits as an outside body in relation to the Department structure.

4:2 The Partnership is an enabling body. The work of the Partnership is carried out by Working Groups supported by the Department’s Co-ordinating Team. The Partnership provides co-ordination and guidance on the work considered necessary to achieve a high level of quality in Early Years and Childcare in Jersey, and it oversees the activities carried out in accordance with this aim. It also receives reports and presentations on work that has been undertaken by Working Groups and issues relating to its aims.

4:3 The Partnership has responsibility for informing Early Years and Childcare Strategy, with an annual implementation plan on the proposed strategy direction.

4:4 The ultimate responsibility for implementing any Partnership Plan rests with the Department, working with and through the other bodies and agencies represented in the Partnership. Consequently, any Plan should be adopted by the Department through its democratic processes, and the Plan must subsequently be submitted by the ESC Minister to the States for their consideration. The Department, working with the Partnership, will ensure that any Plans approved by the States are implemented.

5. Role of the Partnership

5:1 The policy aims of the Partnership are –

- a. to work strategically with the Department in order to fulfil its aims;
- b. bring together the statutory, private and voluntary sectors in a spirit of co-operation and genuine partnership, based on existing good practice;
- c. assess the needs of children within the Island and seek agreement about how these needs can best be met through genuine partnership and debate with all agencies and interested parties. In order to achieve this, the Partnership will listen to and consult with parents and children, providers and other interested parties, so that its work is directed by the diverse needs and aspirations of the community in Jersey.

5:2 The Partnership has a responsibility to the States in the following ways –

- a. draw up and present a Strategic and Implementation Plan that meets the needs of children and parents/carers in Jersey, and which can inform other States policy;
- b. monitor and evaluate progress in implementation of the Plan against appropriate standards;
- c. prepare any further plans in accordance with States direction;
- d. listen to, and consult with, parents and children;
- e. ensure that all Partnership members are fully involved in the decision making process;
- f. review the extent and quality of the provision of Early Years and Childcare in Jersey;
- g. discharge any functions conferred on the Partnership by the States.

5:3 The Partnership has the discretion to –

- a. respond to government consultation documents from any States Department;

- b. prepare a response to other consultation processes;
- c. initiate activity which it considers will enhance the provision of Early Years and Childcare or will promote the well-being of young people in Jersey;
- d. become involved in any new States initiatives;
- e. become involved in any new Department initiatives.

6. The Activities of the Partnership

In pursuit of its aims the Partnership has the power to –

- 6:1 (i) create a Partnership consisting of representatives of organisations relevant to the care, play and educational experience of young children;
- (ii) organise regular meetings of the Partnership.

The Partnership will –

- a. follow the financial year from January to December;
- b. hold its meetings in public at least three times per year, and hold a special meeting in January on an annual basis to consider an Early Years Childcare Implementation Plan and Audit;
- c. require a quorum of at least one third of the voting membership in order to have a fully constituted meeting;
- d. take formal decisions.

In pursuit of this the Partnership will:

Always seek to operate on a consensus basis. If it is not possible to reach a consensus, Partners will be required to undertake a formal vote which will be recorded. Each representative shall have a single vote on behalf of their interest group. In the event of a tied vote the Chair will have the casting vote.

- 6:2 (i) Review and adopt its Terms of Reference on an annual basis at the first meeting of each year following a formal consultation process with the Partner organisations, taking account of –
 - a. any response to any action plans generated from Implementation Plans;
 - b. any feedback from the States, audits of previous activities, and Implementation Plans;
 - c. any further States guidance;

- d. guidance from the Department officers;
 - e. the views expressed by the Partnership itself.
- (ii) Amend the Terms of Reference at any meeting of the full Partnership, subject to the following requirements –
- a. any proposal must be formally put out for consultation amongst the Partner organisations before a decision is taken on the matter.
 - b. the proposed amendment must appear as a separate item on the agenda.

6:3 Keep a written record of all Partnership meetings and meetings of sub-groups of the Working Groups.

This means that each meeting of the Partnership, including the Working Groups and sub-groups, will be minuted and those minutes will be submitted and confirmed as a correct record of the meeting at the next meeting. The Working Groups and sub-groups must also report these minutes to the first full Partnership meeting following the meeting to which the minutes relate. [N.B. the term ‘sub-groups’ relates to any sub-groups of Working Groups.]

- 6:4 (i) Create Partnership “Working Groups”; which will carry out the work of the Jersey Early Years and Childcare Partnership. In order to do this the Partnership will –
- a. review and adopt Terms of Reference for the Working Groups, on an annual basis at the first meeting of each year in January;
 - b. amend the Terms of Reference of the Working Groups at any meeting of the full Partnership. The proposed amendment must be a formal recommendation from the Working Group, or have the support of the Chairperson of the Working Group. An amendment to the Working Group Terms of Reference cannot be adopted without a formal consultation process being undertaken;
 - c. appoint the Chairpersons of the Working Groups as full Partners within the Partnership; and give directions to Working Groups on any work they are to undertake.
- (ii) Delegate the power to Working Groups to –
- a. carry out any work related to the different sections of the Early Years and Childcare Partnership;
 - b. undertake consultation;

- c. take decision in reference to specific items on behalf of the Partnership where authority to do so has been properly delegated by a meeting of the Partnership or otherwise in accordance with these Terms of Reference;
- d. prepare a response to consultation on behalf of the Partnership;
- e. investigate a particular issue;
- f. publish material on behalf of the Partnership; and
- g. discharge any functions delegated to it from the Partnership.

6.5 (i) Appoint a Chairperson for the Partnership –

- a. The Partnership will be Chaired by an independent Chairperson appointed for up to four years, except in suitable circumstances where at the discretion of the Partnership the Chairperson can be permitted to serve for an additional year;
- b. under normal circumstances the Vice-Chairperson or the Chairperson Elect will be appointed as the Chairperson when the position becomes vacant, in accordance with the agreed code of practice for recruitment. In the event that neither the Vice-Chairperson or the Chairperson Elect become the Chairperson, the Partnership will appoint an independent Chairperson through open advert;
- c. in the event that an independent Chairperson is not available, the Chairperson will be elected by the Partnership from within its membership, if the criteria for an Independent Chairperson can be met, and there is no conflict of interest.

(ii) Appoint a Vice-Chair for the Partnership –

- a. an independent Vice-Chairperson can be elected by the Partnership from within its membership, for up to three years, providing the criteria for independence can be met;
- b. if the Chair of the Partnership is temporarily or permanently incapacitated and unable to act for any length of time the Vice-Chair will replace the Chair; and
- c. the Vice-Chair will normally become the Chair of the Partnership when that position becomes vacant.

[N.B: There is no obligation on the Vice-Chair to become the Chair of the Partnership and the Partnership cannot refuse to appoint a candidate as Vice-Chair purely on the grounds that they do not wish to become the Chair of the Partnership.]

- (iii) Appoint a Chair-Elect for the Partnership –
 - a. in the event that the Vice-Chair is unwilling to become the Chair an independent Chair-Elect will be appointed through open advertisement, for a period of one year;
 - b. in normal circumstances the Chair-Elect would serve for one year and then serve for up to three years as the Chair of the Partnership;
- (iv) The Chair-Elect or Vice-Chair will usually become the Chair of the Partnership. However, in the following instances the Vice-Chair or Chair-Elect will not become the Chair of the Partnership –
 - a. if there is a change in the personal circumstances of the Chair-Elect or Vice-Chair which leads them to conclude that it is impractical for them to serve as the Chair or a conflict of interest is evident;
 - b. if as part of the annual review of the organisation the Partnership decides that the Chair-Elect or Vice-Chair is unsuitable to serve as Chair; and
 - c. when the position of Chair becomes available the Appointment Commission's Code of Practice for Appointments will apply.

7. Delegation of Power

- 7:1 Power is delegated to the Chair of the Partnership, or the Chair of a Working Group, in order for approval to be given to any decision relating to the functions or responsibilities of the Partnership if it would be inexpedient to leave it until the next Partnership meeting; and
- (i) adopting the Terms of Reference for 'call over' meetings that take place to determine the agenda of Partnership meetings, and Chairing any of the pre-meetings;
 - (ii) reviewing the Terms of Reference for call-over meetings and the Chairs pre-meetings on an annual basis, and adopting them at the first Partnership meeting of the year.
- 7:2 Any delegation of power will be in relation to a specific decision or function, and will not confer a general power of authority without referral to the full Partnership. Where any doubt exists as to the extent of any delegation, advice should be sought from an appropriate officer of the Department and the Chair or Vice-Chair of the Partnership; and
- (i) the Working Groups or Chairperson to which a power was formally delegated by the Partnership will provide a report on any issue which delegated powers have been used;

- (ii) the Partnership can only delegate power to a full voting member of the Partnership.

8. Guiding Principles

8:1 In undertaking all of its activities the Partnership will take account of the following principles –

- (i) to uphold the importance of meaningful consultation and ensure that the Partnership has the opportunity to discuss and develop a joint understanding of the meaning of diversity in the local context. In striving to be fully representative, the Partnership will consult outside its own membership;
- (ii) to be aware of ways of involving other groups who do not necessarily need to join the Partnership, but who have important views on the planning and implementation process;
- (iii) to be aware of the requirement of the local labour market, and the needs of working parents/carers and local employers;
- (iv) to recognise that the private voluntary and public sectors have particular strengths, and that these sectors often give support to, and in turn are supported by, parents/carers;
- (v) to understand the reality of the constraints on the Department, both financial and other;
- (vi) to recognise the views, knowledge and skills of all its members and the value of these contributions;
- (vii) to take into account States policies on Early Years and Childcare;
- (viii) to be committed to equality of opportunity and non-discrimination.

9. Membership of the Partnership

9:1 To ensure the effective working of the Partnership each sectoral representative will be nominated by his or her interest group, and will be charged with representing their interests, providing feedback and consulting with their group.

The overarching role of the representative will be to promote the best interests of children and families in the Island and not solely to press for the specific interests of their own group.

9:2 The nominating organisation will be responsible for reviewing its representative annually.

9:3 The Partnership, as far as possible encourages regular attendance, although a nominated substitute can appear on behalf of the representative who will be absent.

[N.B.: The Partnership member who is to be replaced is responsible for ensuring that the substitute appearing on their behalf is fully briefed about the issues to be considered and the position of the organisation they represent, and will have the same voting rights as the representative they are acting on behalf of.]

- 9:4 Membership of the Partnership will comprise a nominated representative, each with equal status, from the following key groups:

Chair and Vice-Chair of the Partnership
Education Sport and Culture (ESC)
Jersey Child Care Trust (JCCT)
Jersey Early Years Association (JEYA)
Parent Group
Parenting Services
Youth Service
Health and Social Services and Children’s Service
Employment and Social Security and Tax Departments
Economic Development Department
Family Nursing and Home Care (Health Visitors)
Child and Adolescent Mental Health Services (CAMHS)
Psychology Service ESC
States Statistics Unit
Representatives from States of Jersey Primary Schools/Nurseries
Representative from Highlands College
Representatives of Employers
Representatives of Voluntary Organisations for Children and Families
General Practitioners

- 9:5 At the discretion of the Chair of the Partnership, Advising Officers can attend the Partnership meetings. Advising Officers provide information and expertise but have no role in the Partnership’s decision making process, and cannot be counted in order to satisfy the requirement of a quorum set out in section 6:1(ii)(c) of the Partnership Terms of Reference.

10. Code of Practice

Members of, and Advisers to, the Partnership will –

- a. be committed to equality of opportunity;
- b. pay particular regard to the needs of vulnerable children and parents/carers;
- c. have equal status on the Partnership, and be recognised and valued for their contribution;
- d. have a common goal in meeting the needs of children and parents/carers, and will not merely serve their own sectoral interests;

- e. be able to demonstrate that they know the views of their interest group;
- f. represent those views at Partnership meetings;
- g. keep their organisations up to date with what is happening in the Partnership;
- h. be able to express their ideas, aspirations and concerns in a supportive, constructive environment that encourages debate;
- i. be able to send substitutes if they are unable to attend meetings, and ensure that the substitute is well briefed;
- j. be willing to assist the Partnership in developing consultation and communication with providers and parents across all sectors and organisations.

11. Monitoring and Evaluation

- 11:1 The Partnership will have a stated and active policy for the on-going monitoring and evaluation of the effectiveness of the Partnership and evaluation of the Working Groups Action Plans, and the monitoring and evaluation process will be supported by the Co-ordinating Team at ESC.

12. Servicing the Partnership

- 12:1 The Department will, through its Co-ordination Team support the Partnership by –
- a. providing underpinning information relevant to any Early Years and Childcare Plan that informs the States Strategic Plan or States policy;
 - b. facilitating consultation with the Island community.
- 12:2 The Department will, through its Co-ordination Team –
- a. convene meetings of the Partnership;
 - b. arrange accommodation for meetings;
 - c. co-ordinate and act as secretariat to meetings;
 - d. copy, circulate and dispatch appropriate papers; and
 - e. provide appropriate guidance on the operation of government departments and other relevant procedures.

13. Disputes and Complaints

- 13:1 The Partnership is intended to be a collaborative, cooperative body and needs to ensure that no particular sector or partner is unduly favoured. Problems and

issues should normally be debated and resolved at the Partnership meetings. However, if parties feel that these have not been resolved, the following process should be followed and minutes taken:

Stage 1: The parties in dispute will meet with the Chair of the Partnership and the Early Years and Childcare Co-ordinating Team, to assist in finding or recommending a solution. If the issue is not resolved, it is referred to Stage 2.

Stage 2: A special meeting of the Partnership is convened, with papers prepared by the parties representing different views. The Chair and the Early Years Childcare Co-ordinating Team also prepare a paper offering possible options for resolution. If the problem is not resolved, the dispute is referred to Stage 3.

Stage 3: A dispute panel is formed. The Assistant Director of Culture and Lifelong Learning will invite representatives of the statutory authorities, the voluntary sector and the commercial sector. The panel should comprise not less than 5 people. The representatives nominated should not be members of the Partnership or its sub-groups. The Panel will hear the views of the different parties and will adjudicate. The decision of the Panel will be binding.

13:2 In the event that a dispute remains unresolved under this procedure, members have the right to write to the Minister stating their concerns.

Terms of Reference

Early Years and Childcare Partnership

Working Groups

1. Role of the Working Groups

- 1:1 The work of the Early Years and Childcare Partnership will be carried out through its 'Working Groups'. It is the role of the Working Groups to carry out such work as directed by the full Partnership.

2. Working Group Terms of Reference

- 2:1 The Terms of Reference for the Working Groups will be reviewed and adopted annually by the full Partnership. Each Working Group will have its own individual Terms of Reference which will be based on a generic approach for all Working Groups. It will be the responsibility of each individual Working Group to provide the specific details of the area of work that they wish to be included within their Terms of Reference. Therefore, at the first meeting of each financial year in January the Partnership will adopt seven Terms of Reference detailing each of the Working Groups remit.
- 2:2 The Working Groups Terms of Reference can be amended at any meeting of the full Partnership. Any amendment proposals must be formally recommended by the Working Group or have the support of the Chair of the Working group. An amendment cannot be adopted without a formal consultation process being undertaken by the full Partnership.
- 2:3 Each Working Group is responsible for annually reviewing and adopting the Terms of Reference of any of its sub-groups. The sub-groups' Terms of Reference do not have to be submitted to the full Partnership. However, the Working Groups are to ensure that the sub-groups' Terms of Reference do not conflict with any of the provisions contained in the main Partnership or Working Groups' Terms of Reference.

3. Operation of the Working Groups

- 3:1 Each Working Group will follow the financial year, (January to December), in line with the Partnership.
- 3:2 Each Working Group will elect its own Chairperson on an annual basis at the first meeting of each financial year –
- (a) when appointed, the Chairperson of each Working Group, if not already a full voting member of the Partnership, will become such a member;
 - (b) the role of the Chair of the Working Group will involve –

- (i) overseeing the activities under taken by the Working Group; and
- (ii) attending Partnership meetings, call over meetings, and Chairs pre-meetings.

3:3 The Working Groups require a quorum of a minimum of four of their members or one third of their membership; whichever is larger, one of who must be a full member of the Early Years and Childcare Partnership, in order to have a properly constituted meeting.

[N.B.: The membership of the Working Groups can include permanent advising officers.]

3:4 The membership of the Working Groups will allow for different interest groups to be actively involved in issues which are of direct relevance to them.

3:5 Members of the Working Groups will have equal status as contributors of ideas and as problem solvers.

3:6 As far as possible the Working Groups will seek to work on a consensual basis. However, if it is not possible to reach a consensus the members will be required to undertake a formal vote which will be recorded. Each member of the Working Group will have a single vote. In the event of a tied vote the Chair of the Working Group will have the casting vote.

3:7 The process the Working Groups will undertake in conducting their business will include –

- (a) at least one meeting per cycle of the main Partnership meetings;
- (b) the Chairs of the Working Groups will meet with the Chair of the Partnership at a “Chairs Pre-meeting”, prior to each Partnership call over meeting, in order to co-ordinate and monitor the work of the Working Groups;
- (c) each Working Group meeting will be minuted and those minutes will be submitted and confirmed as a correct record of the meeting at the next meeting of the Working Group;
- (d) confirmed minutes in line with (c) above will be sent to the Co-ordinating Team;
- (e) each Working Group will submit the minutes referred to in c above to the first full Partnership meeting following the meeting to which they relate, for inclusion with the agenda;
- (f) at each Partnership meeting a verbal update highlighting salient points of the minutes will be undertaken;

- (g) each Working Group sub-group meeting will be minuted and those minutes will be submitted and confirmed as a correct record of the meeting at the next meeting of the sub-group;
 - (h) each sub-group will submit the minutes referred to in (g) above to the first Working Group meeting following the meeting to which they relate for inclusion with the agenda; and
 - (i) the Working Groups are to ensure that any minutes from the Working Group meetings that are submitted to the full Partnership contain sufficient information on the activities of their sub-groups to enable the Partnership to effectively monitor work of the sub-groups.
- 3:8
- (i) The Working Groups will nominate a representative to attend the Equal Opportunities Working Group. The Working Group can nominate a representative for the Equal Opportunities Working Group on a permanent basis or they can nominate a Representative for a particular meeting and operate on a rotational basis.
 - (ii) The Working Groups undertake to positively promote Equal Opportunities within the group and will ensure that Equality of Opportunity is considered in all aspects of the work that is undertaken.
 - (iii) The agenda and minutes of the Equal Opportunities Working Group are to be sent to the Chairs of the other Partnership Working Groups. The Chair of each of the Working Groups will then be responsible for ensuring that Equal Opportunities are considered within the work undertaken by the Working Group.

4. The Activities of the Working Groups

- 4:1 In undertaking the work of the Partnership the Working Groups will have the power to –
- (i) commission or develop ideas/policy for the Strategic and Implementation Plan;
 - (ii) develop an Action Plan and co-ordinating activity to carry out their part in implementing any Plan;
 - (iii) monitor the progress of any Action Plan and its delivery;
 - (iv) spend any budget the Partnership may have and agree their own specific budget;
 - (v) seek approval from the Partnership on any plans, that the Implementation Plan gives the Working Group the necessary authority to act. If the Working Group wishes to amend its section of the plan it will require the approval of the Partnership, and this may require ratification by the States.

- (vi) provide a forum to update members of developments in policy and practice by other initiatives involving other partners, agencies and States departments;
- (vii) link with other groups on “cross-over” issues;
- (viii) become involved in any activities that the full Partnership become involved in, including new government initiatives, any activities aimed at enhancing the provision of early years education and childcare, and promoting the well-being of young people in Jersey;
- (ix) pursue any authority delegated to them from the full Partnership, including the power to –
 - (a) carry out any work related to the different sections of any Early Years and Childcare Plan;
 - (b) undertake consultation, ensuring that any consultation is as wide as possible;
 - (c) take a decision in reference to a specific item on behalf of the Partnership;
 - (d) respond to consultation documents on behalf of the Partnership;
 - (e) investigate a particular issue;
 - (f) publish material on behalf of the Partnership; and
 - (g) discharge any matter properly delegated from the full Partnership.
- (x) the Working Groups have the power to set up any sub-group to deal with a particular issue or undertake a specific piece of work on behalf of the Working Group. The Working Group may delegate to the sub-group anything which it has the power to do, or responsibility for. The duration that the sub-group operates for is at the complete discretion of the Working Group. However, the Working Group is responsible for effectively monitoring and evaluating the work that the sub-group carries out.

The Working Groups must report back to the Partnership through the formal Working Group minutes on all of the above activities. In particular the Working Groups will provide a report for the Partnership on any issue on which delegated powers were used.

**Early Years and Childcare Partnership Co-ordinating Team
August 2008**