

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 8th MARCH 2016

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[9:32]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

1.1 Welcome to His Excellency The Lieutenant Governor

The Bailiff:

First of all, I am very pleased to welcome as always His Excellency to this Chamber. [Approbation]

1.2 Welcome to visiting students – Year 5, Grands Vaux School and Beaulieu School

The Bailiff:

Members will also see we have quite a crowded public gallery. We have Year 5 children from Grands Vaux School and from Beaulieu and Members might like to know that Grands Vaux, Year 5, adopted the proposition that homework should be banned. [Laughter] [Approbation] 66 per cent in favour, 22 per cent against and 11 per cent abstained.

Senator L.J. Farnham:

Can we have the names please, Sir? [Laughter]

The Bailiff:

I think that would be most inappropriate, Senator. Anyway, I am very pleased to welcome those children and I am sure Members would like to join me in doing so. [Approbation]

1.3 International Women's Day

The Bailiff:

Next, a special welcome today to Senator Cameron, to the Connétable of St. Lawrence, the Connétable of St. Mary, the Connétable of St. Saviour, Deputy Martin, the Deputy of Grouville, Deputy Hilton, the Deputy of Trinity, the Deputy of St. John, Deputy Pinel and Deputy Doublet, because today, as Members will know, is International Women's Day. We are celebrating our respect and appreciation for women's economic, political and social achievements and my male colleagues may wish to show that respect and appreciation in the usual way. [Approbation] Deputy Pinel, I think that is the last favour you will get today probably. That is a mark of respect and appreciation, I am sure. We now come to the rest of the Order Paper.

QUESTIONS

2. Written Questions

2.1 THE CONNÉTABLE OF GROUVILLE OF THE MINISTER FOR HOME AFFAIRS REGARDING DUTY-FREE HYDROCARBON OIL:

Question

Will the Minister for Home Affairs provide details, for each of the last three years, of –

- (a) the number of road side checks carried out by the Jersey Customs and Immigration Service to detect the misuse of Duty Free Hydrocarbon Oil (Red Diesel);
- (b) any other checks or actions carried out by the Customs and Immigrations Service to detect misuse of Duty Free fuel, excluding checks carried out under the registration scheme that was launched in December 2015;
- (c) the number of vehicles detected misusing Duty Free fuel in those checks or actions;

(d) the number of prosecutions that have resulted from those checks?

Answer

Duty Free fuel can be lawfully used in tractors and associated agricultural machinery, plant machinery, vehicles used solely for refuelling aircraft, lifting and handling vehicles, aircraft, marine craft and used as furnace fuel. It can be sourced in two ways;

1. Direct delivery to an End User from an Approved Hydrocarbon Oil Supplier a process controlled by the new registration scheme
2. Bought from an approved garage or marine concession controlled by compliance visits, audits and monthly submissions detailing onward sales.

For the years 2013, 2014 & 2015

(a) A total of sixteen road side checks were conducted in conjunction with Parish Honorary Police, Driver Vehicles Standards Department and States of Jersey Police.

- 2013 = 6
- 2014 = 5
- 2015 = 5

(b) Other checks and/or actions to detect misuse of Duty Free fuel

(i) Seven garage forecourts are approved to store and supply Duty Free fuel. Each garage submits a monthly return to Customs & Immigration detailing the onward sales. A total of 252 submissions were received for the period 2013 - 2015.

- 2013 = 84 submissions
- 2014 = 84 submissions
- 2015 = 84 submissions
- Customs officers conducted at least one compliance visit to each garage during the period 2013 - 2015

(ii) Five marine concessions are approved to store and supply Duty Free fuel. Each concession submits a drawback request to obtain a refund on the duty paid. The drawback requests are reconciled against metered fuel delivery tickets.

- 2013 = 112 drawbacks approved
- 2014 = 129 drawbacks approved
- 2015 = 131 drawbacks approved
- Customs officers have either audited or conducted compliance visits to all five marine concessions during the period 2013 – 2015

(c) 0

(d) 0

Miscellaneous

1. 2014 - A company employee accidentally filled a vehicle with red diesel. Customs were informed immediately and the relevant duty was collected.
2. 2015 - A company employee accidently filled a vehicle with red diesel. The manager informed Customs immediately and the vehicle's tanks were flushed.

2.2 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE E-GOVERNMENT DESIGN AUTHORITY TENDER:

Question

How many times did the eGovernment team travel to the UK to meet with UK companies that were tendering for the eGovernment Design Authority tender and how much did each visit cost?

Answer

The eGovernment team did not travel to the UK to meet UK companies that were tendering for the eGovernment Design Authority contract, consequently there is no expenditure to report.

The eGovernment team hosted one open briefing session and a series of one to one briefing sessions in Jersey as part of the Design Authority procurement process. The costs of visiting Jersey to attend these briefings were at the visiting companies' expense.

2.3 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE CHIEF MINISTER REGARDING ASSISTANCE BEING PROVIDED BY DIGITAL JERSEY IN THE DELIVERY OF E-GOVERNMENT:

Question

Further to the answer tabled to question 9238 on 23rd February 2016 regarding the [support provided to Jersey's digital industry](#), could the Chief Minister advise how Digital Jersey is being mandated to assist in the eGovernment deliveries and what authority, if any, Digital Jersey will have over the eGovernment team to be able to meet the mandate given to them?

Answer

Digital Jersey works closely with the eGovernment team to ensure there is close dialogue between the local digital industry and the States of Jersey.

The eGovernment programme forms part of Public Sector Reform, which has a political oversight group that determines the mandate for specific elements of the eGovernment programme.

2.4 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COSTS OF THE FUTURE HOSPITAL CONSULTATION:

Question

(e)

(f) Further to the Minister's answer to written question 9230 tabled on 23rd February 2016, which asked for a breakdown of the costs of the Future Hospital consultation and showed that £12,720 had been spent on video recordings, for what reasons was such a sum spent on approximately 72 minutes of basic footage, which works out at around £177 per minute?

Answer

The future hospital project is one of the most important that the Island has ever embarked upon. It is therefore appropriate that Islanders are fully informed about the need for a new hospital. This message can best be delivered using a range of communications media. Set against the overall size and cost of this project, this expenditure is a very small sum, particularly considering its effectiveness in imparting information to members of the public.

The video material was intended to support a four-week period of public engagement and a 12-week period of public consultation. As is normal, not all of the footage filmed ended up being used. In addition to filming interviews with clinical staff, poster animations were produced that brought together subject matter in an eye-catching, creative and engaging way.

Video is proven to be one of the most engaging media (compared with standalone images/text/audio) – viewers remember more of what they see **and** hear compared with seeing or reading alone. Furthermore, online video maximises the reach of any message. Using digital channels gives 24/7 access to content and helps to engage those people unable to access information through other means. Online video is particularly effective in targeting the younger generation through channels such as Twitter, LinkedIn and Facebook, where a conversation can be started and feedback monitored.

Of course, creating high quality, well lit, framed/focused and branded video messages takes time, effort and skill to deliver. It has to be paid for, but professionally made and delivered video content that raises awareness and gets audiences thinking about key issues would be expected for a project as important as the future hospital.

2.5 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING CAR PARKING AT THE INTERNATIONAL FINANCE CENTRE:

Question

- (g) Further to the Minister's answer to written question 9240 regarding the International Finance Centre, could the Minister elaborate on what he refers to as the 'demand profile'?
- (h)
- (i) Can the Minister also set out a building delivery timeline that shows the car park ready by 2022, given the substantial number of buildings which need to be completed and the seemingly slow pace at which new tenants are being confirmed?

Answer

'Demand profile' refers to the requirements of known prospective tenants in terms of space needs and timing for new office accommodation. What is not known at this relatively early stage is the level of demand from inward investment business. The demand profile will dictate the timing of delivery for the car park

As part of its planning applications for the Jersey International Finance Centre, SoJDC has submitted a detailed phasing plan that sets out the sequencing of the development. The delivery order is as follows:- Building 4, Building 5, Building 6 and Building 3 then the delivery of the underground public car park followed by Building 2 and finally Building 1.

As previously referred to, the delivery of the Jersey International Finance Centre is demand led and the completion date of 2022 for the new underground public car park remains an educated best estimate based on market information.

SoJDC remains in dialogue with more than 20 prospective on-island tenants that have potential requirements totalling in excess of 325,000 sq. ft. over the next 5 years. This level of demand would fill the first 4 buildings and takes no account of any new inward investment business that may be attracted to Jersey.

2.6 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE STAFF COST SAVINGS SET OUT IN THE MEDIUM TERM FINANCIAL PLAN:

Question

- (j) Could the Minister outline how pension contributions, potential benefits payments to those who are unable to find work and potential reduced tax take have been factored into the department's calculations when determining how to achieve the £60 million savings in staff costs set out in the Medium Term Financial Plan?

(k)

(l) What alternative plans does the Minister have should targets fail to be met due to the pursuit of the £60 million savings in order to ensure that damage is not caused to essential frontline services?

(m)

Answer

The States need to find savings in every area of the public sector. Around half of States spending is on staff so we need to reduce those costs to contribute towards the redistribution of available funds to the agreed priority areas, in particular health and education.

The proposal to deliver the staff savings comprises many strands that include delivering a continued pay restraint, taking advantage of natural attrition supported through strict vacancy management, stronger performance management and the redesign of services.

Natural turnover and voluntary redundancies will be used to minimise the number of compulsory redundancies; neither of these occurrences are expected to affect contribution or benefit payments as they are taken in a planned manner by members of staff who will consider effects on their financial position.

Departments are currently working on service redesign options. As plans develop staff and unions are actively engaged to deliver services in a more modern efficient and affordable way. There will need to be consideration of any consequences of these plans but until they are developed further it would be impossible to assess other effects, including whether changes may result in changes to benefits costs or income from taxation.

The Council of Ministers is still agreeing the plan but the target of delivering a balanced position by 2019, as advised by the Fiscal Policy Panel, continues to drive the savings target.

2.7 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE INTRODUCTION OF A NEW CRIMINAL OFFENCE FOR INCITING RELIGIOUS OR RACIAL HATRED:

Question

(n) Further to the Minister's answer to question 9209 tabled on 2nd February 2016 regarding the introduction of a new criminal offence for inciting racial or religious hatred, could the Minister provide an estimated timetable for the process of achieving this indicating when such a law could enter into force?

Answer

As noted in the Answer to question 9209, work is not able start until other legislative priorities have been delivered, most notably amending and updating the sexual offences law. It is, therefore, anticipated that work would start in 2017. Until the work has been fully scoped it is not possible to be definitive about when the law would come into effect, although it would hopefully be within 12 months of work starting.

2.8 THE DEPUTY OF ST. OUVEN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE AMOUNT OF INCOME TAX TO BE COLLECTED FOLLOWING THE ASSESSMENT OF THE SOCIAL SECURITY PENSION ENTITLEMENT FOR 2015:

Question

Would the Minister advise what additional amount of Income Tax the Comptroller of Taxes expects to collect as a result of assessing Social Security pension entitlement in 2015 over 53 weeks instead of the usual 52 weeks? Furthermore, what is the estimated number of pensioners who are likely to become liable

for Income Tax for 2015 only as a result of having to declare an additional week's pension entitlement? Of that figure, how many are single pensioners and how many are married or in civil partnerships?

Answer

The Income Tax Law obliges the Comptroller to collect tax on pension income which has arisen in any year. Old age pension technically arises every Thursday but it is paid four weeks in advance.

Where pensioners have received an additional week's pension income in those years with 53 Thursdays, that additional income will be taxed at the marginal or standard rate depending upon the taxpayer's overall income for that year. The Comptroller has not estimated what tax will be collected from that.

Based on individuals having a full pension record, the Comptroller currently estimates that up to 45 households could pay income tax for the first time as a result of declaring an extra week's pension income: around 20 single people; and around 25 couples. This is an over-estimate as only a minority of local pensioners receive a full 100% Jersey pension. It should be noted that the taxpayers in this group would all need additional income to bring them close to the threshold level. This could be from an occupational or private pension, earnings and/or other income.

For pensioners solely reliant upon the States pension, no tax liability would arise as the tax exemption thresholds are around 50% higher than the maximum level of States pension as indicated in the table below.

	Maximum Old Age Pension Receivable in 2015	2015 Tax Exemption Threshold
Single Pensioner	£10,498	£15,900
Married Pensioner	£17,430	£26,100

2.9 THE DEPUTY OF ST. JOHN OF THE CHIEF MINISTER REGARDING THE ENGAGEMENT OF CONSULTANTS BY DEPARTMENTS:

Question

- (o) What are the requirements set out by departments for engaging consultants and advisors to support decision making?
- (p)
- (q) What limits are set within budgets for such engagement?

Answer

Engaging consultants with specialist technical expertise, supported by clear terms of reference, can save money for the States of Jersey and deliver better outcomes for taxpayers.

Each department is responsible for using its own budget to deliver services in an efficient and cost effective way. There is no limit set for engaging consultants other than the overall cash limit for each department.

However there is a financial direction on Management of Consultants which all departments are required to follow. It sets out the rules for planning the engagement, specific procurement procedures, contract management, project closure and post-implementation review.

It is attached below.

Each departments also has a Scheme of Delegation which specifies the limits of an individual's authority to commit expenditure on all goods and services. This includes expenditure on consultants and advisors.

It is a fundamental principle that budget holders may only commit resources within their delegated limits for individual transactions and that they may only commit expenditure to the limit of their delegated budgets. Approval routes are built into authorisation processes within the financial systems.

Financial directions are currently being reviewed in line with recommendations from the Comptroller and Auditor General and the Public Accounts Committee. Requirements for spending on consultants will be included within the new expenditure financial direction due to be issued later this year.

Financial Direction No 5.6 [U]

Management of Consultants

States of Jersey

July 2012

1 SUMMARY AND OBJECTIVE

1.1 This Financial Direction is applicable to all:

- Accounting Officers;
- Budget Holders;
- Finance Directors; and
- Anyone with authority delegated to them under a Scheme of Delegation.

1.2 The purpose of this Financial Direction is to provide departments with the mandatory requirements on the engagement and use of consultants. Specifically it includes:

- [Planning the engagement](#)
- [Supplier selection: Procurement procedures](#)
- [Contract management](#)
- [Project closure and post contract review](#)

1.3 In addition to the requirements set out in [section 2](#) of this Direction, [Financial Direction 5.1 Purchasing of Goods and Services](#) sets out the requirements on **HOW** to make a purchase and must be observed in full.

The requirements relating to the appointment of consultants to assist in the development of capital projects are set-out in [Financial Direction 5.6 The control of Capital Expenditure](#).

The engagement of temporary or agency staff (including interims) brought in to cover vacant posts or workflow peaks are not covered by this Financial Direction.

1.4 Financial Directions are issued by the Treasurer of the States under Article 34 the Public Finances (Jersey) Law 2005 (hereafter referred to as "the Law"). Compliance with Financial Directions is mandatory and not following them may lead to an offence being committed under Part 7 of the Law.

1.5 Any departure from the requirements set out in [section 2](#) of this Direction must have an [exemption](#) approved by the Treasurer of the States.

- 1.6** For the purpose of interpreting this Financial Direction, the following definition of 'consultant' as specified in Guidance on Accounting for Consultants on the We All Count Website should be used:

A consultant is any individual or organisation engaged on behalf of the States of Jersey to provide independent intellectual input into decision making.

- 1.7 Who should I contact if I have a question / need further guidance?**

Further information and guidance can be obtained from your departmental finance team in the first instance, then if necessary finance may need to contact the following:

Procurement (the purchase of goods and services) – e mail
procurement@gov.je

Engagement of legal services – Contact the Chief Clerk, Law Officers' Department (Tel: 441224)

All other queries should be directed to the Financial Accounting and Control Team (e mail FACT@gov.je)

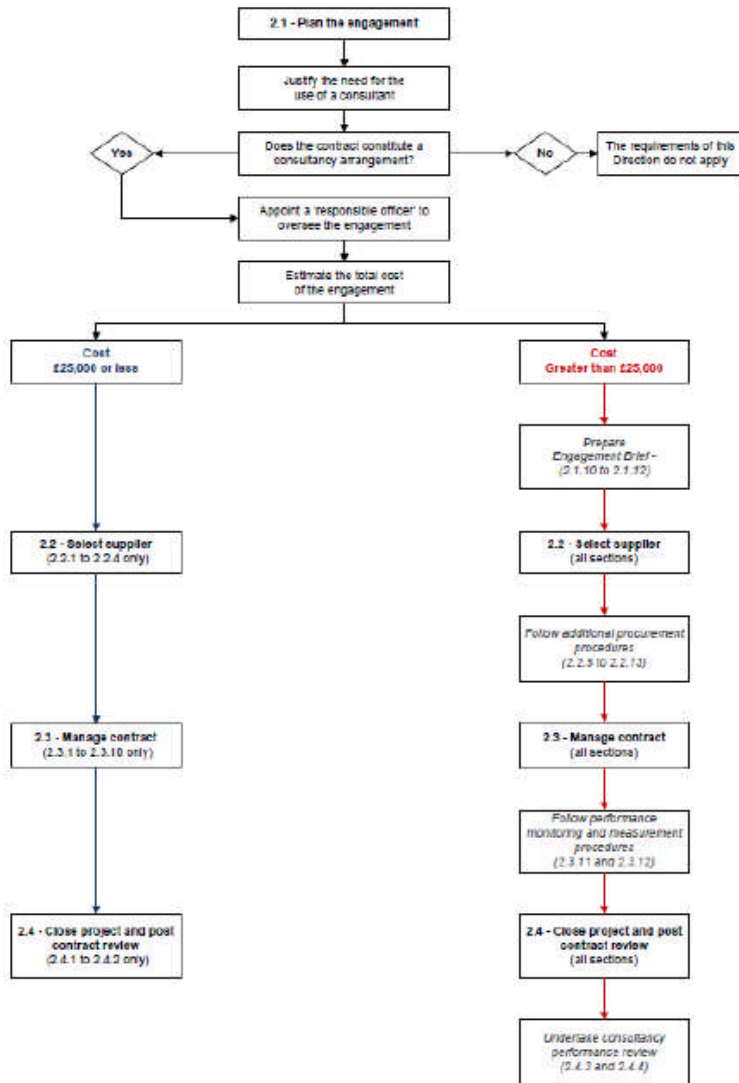
2 SPECIFIC REQUIREMENTS

Specific requirements cover the following:

	Page
Flowchart – Engaging a consultant: Requirements flowchart	5
2.1 Planning the engagement	6
2.2 Supplier selection: Procurement procedures	9
2.3 Contract management	11
2.4 Project closure and post contract review	13

NB – The flowchart on page 5 of this Financial Direction provides a high level summary of the requirements that must be followed when engaging a consultant. Application of a number of the requirements is dependent on the estimated contract value, with the most stringent requirements applying to contracts valued at greater than £25,000.

Engaging a consultant: Requirements flowchart



- - -

Procedures for all contracts, regardless of value

Permitted use of consultants

2.1.1 Consultants may only be engaged by the States of Jersey to perform work where:-

- Professional, independent and expert advice or services are required; or
- Specialist professional knowledge and/or expertise are not available in-house.

Identification of consultancy contracts

2.1.2 Departments must refer to the document [Guidance on Accounting for Consultants \(which can be found on the We All Count Website\)](#) when considering whether the proposed arrangement actually constitutes a consultancy contract. The document contains extensive information on consultancy spend, including characteristics, an indicative listing and examples of both consultancy (and non-consultancy) contracts.

2.1.3 Where the proposed contract does not constitute a consultancy arrangement the requirements set-out below do not apply, although other relevant Financial Directions must still be complied with, e.g. Financial Direction 5.1 Purchasing of Goods and Services. The [Financial Accounting and Control Team](#) should be contacted if further advice is required.

Accountability and reporting lines

2.1.4 The relevant Accounting Officer (or their delegate) must appoint a 'responsible officer' to oversee the consultancy process through from inception to completion.

2.1.5 The officer appointed has responsibility for the administration and management of the consultancy engagement and contract, including monitoring the actual consultancy work, and must have access to the right skills, experience and knowledge.

Estimating costs

2.1.6 It is expected that contracts will normally be fixed price, with payments being linked to the completion of tasks. In instances where consultants are employed on an "as required" basis, i.e. where it is not possible to

define precisely the volume of work required the responsible officer must prepare a cost estimate based on pre-set realistic assumptions. The potential for any supplementary/follow-on work must be considered when estimating the cost of the engagement.

- 2.1.7** Details of what expenses will be reimbursed must be considered when estimating the total cost of the engagement, including costs incurred on the consultant's premises, e.g. printing and photocopying.
- 2.1.8** Allowable expenditure on subsistence, travel and accommodation must be reasonable, and consideration must be given as to whether expenditure on luxury restaurants/hotels and first class travel is acceptable. Where appropriate, the use of approved corporate contracts is actively encouraged when booking travel and accommodation on behalf of consultants (see [Financial Direction 5.2 Travel and Accommodation Expenditure](#)). The [Procurement Team](#) should be contacted where users require further information.
- 2.1.9** See [Financial Direction 5.1](#) for additional information on calculating contract values.

Additional procedures for all contracts greater than £25,000

Engagement Brief

2.1.10 For all contracts with an estimated **total**¹ value above £25,000, an Engagement Brief must be drawn up by the designated responsible officer. The Brief must clearly:

- Explain the justification for the engagement, e.g. identify the skills and capabilities necessary to complete the task(s) (see [section 2.1.1](#));
- Specify the purpose of the engagement, including details of the background to the engagement and the final objectives, i.e. the required outcomes (see [section 2.1.2](#));
- State a contact name and number for enquiries, i.e. the responsible officer (see [sections 2.1.4 and 2.1.5](#));
- Specify the basis on which quotations or tenders are sought, i.e. fixed price or daily rate (see [section 2.1.6](#));
- Specify the total estimated costs of the engagement, including the potential for further supplementary/follow-on work and the extent and range of disbursements and expenses to be met (see [sections 2.1.7 to 2.1.8](#));

¹ This applies to large engagements that can be broken down into smaller components that when aggregated exceed £25,000.

- Set criteria for the assessment of quotations and tenders (see [section 2.2.7](#)); and
- State the evaluation criteria against which the performance of the consultant will be assessed (see [sections 2.3.11 and 2.3.12](#)).

Where the estimated **total** value of the contract is greater than £50,000, as a minimum the Brief must also clearly:

- Detail the department's own contribution to the engagement;
- Identify the risks associated with the engagement and how to manage them;
- Indicate the timescale for the work to be completed within, i.e. the length of contract;
- Identify requirements in terms of quality, public consultation, presentation to officers and/or members;
- Set the timetable for submitting proposals, as well as details of the format for the submission document; and
- Specify payment arrangements.

NB - An Engagement Brief is not required for engagements valued at £25,000 or less.

2.1.11 The Engagement Brief must be approved by the Accounting Officer (or their delegate) and retained by the responsible officer together with documentary evidence that sufficient budget is available to cover all of the costs relating to the engagement.

2.1.12 The Engagement Brief may be used as the basis for the consultant's Terms of Reference.

2.2- Supplier selection: Procurement procedures

Procedures for all contracts, regardless of value

- 2.2.1** All purchases of goods and services must be compliant with [FD 5.1 Purchasing of Goods and Services](#).
- 2.2.2** The procedures to be followed will depend on whether an approved corporate contract (i.e. a procurement framework agreement) exists. The [Procurement Team](#) should be contacted where users are in any doubt over whether any consultancy framework agreements already exist.
- 2.2.3** In the absence of an approved corporate contract, the purchasing procedures will apply as set out in section 2.1.3 onwards of Financial Direction 5.1, including procedures for obtaining quotations or for tendering.
- 2.2.4** Where a purchase relates to the provision of legal services, officers must in the first instance consult with the [Chief Clerk of the Law Officers' Department](#).

Additional procedures for all contracts greater than £25,000

- 2.2.5** Financial Direction 5.1 sets-out additional procurement procedures for contracts greater than £25,000. The requirements set out in the rest of this section supplement those requirements.

Bid evaluation process

- 2.2.6** In accordance with Financial Direction 5.1 (see Examination of quotations and tendering), all quotations and tenders must be evaluated. For contracts between £25,001 and £100,000, a minimum of two people must undertake an evaluation review and make a recommendation. For contracts above £100,000, a formal tender evaluation panel must be appointed by the Accounting Officer (or their delegate). In both cases, when engaging consultants, the responsible officer must be involved in the evaluation process.
- 2.2.7** When engaging consultants, initially, quotations and tenders must be assessed as to whether they meet the minimum technical criteria for the engagement with those failing to do so being rejected immediately. Then more sophisticated evaluation criteria must be employed to take account of, and give due weight to, such matters as skill and experience, technical knowledge, problem solving abilities etc. as well as price.
- 2.2.8** In accordance with Financial Direction 5.1, following the evaluation of quotations and tenders, an Evaluation Report must be prepared and submitted to the Accounting Officer for approval. Accounting Officers

may delegate approval of Evaluation Reports where the estimated contract value is less than £100,000. When engaging consultants, the Evaluation Report must be prepared by the responsible officer.

Due diligence

2.2.9 In accordance with Financial Direction 5.1 (see Due diligence and award of contract), prior to awarding the final contract the Accounting Officer (or their delegate) must ensure that appropriate due diligence has been undertaken by the responsible officer.

2.2.10 Specifically, the responsible officer must:

- Take up references in respect of any similar work previously undertaken by the proposed consultant for the States of Jersey (for example on quality of work, any problems experienced or disputes over payment);
- Confirm that the proposed consultant carries sufficient professional indemnity insurance and public liability cover. For further information refer to the document [‘Terms and Conditions for the supply of professional services’](#) on the Corporate Procurement Toolkit.
- Consult with the States Human Resources Department where a decision is made to employ a consultant who has been a previous employee of the States of Jersey and who may have left under States VR/VER schemes, to check whether there are any employment restrictions.

Acceptance of quotations and tenders

2.2.11 In accordance with Financial Direction 5.1, all quotations and tenders must be accepted on the basis of offering the best value for money except where the quality of goods or services is a key factor. When engaging consultants, where the best price is not selected detailed documentation must be retained which illustrates the selection process followed and the reasons for not accepting the lowest price.

2.2.12 An Accounting Officer may not accept any tender of more than £200,000 where it is:-

- The only tender received; or
- Not the lowest tender received

unless written approval has been obtained from the Treasurer of the States based on a written report from the Accounting Officer concerned and after consultation with the Director of Strategic Procurement. A copy of the Treasurer’s approval must be kept on file.

2.2.13 Where the estimated value of the work is above £50,000 accepted consultancy engagements must be highlighted in the department’s quarterly financial report.

2.3 – Contract management

Procedures for all contracts, regardless of value

Accounting for consultants

- 2.3.1** Consultancy spend must be charged against the correct object account in JD Edwards (see [Guidance on Accounting for Consultants on the We All Count Website](#)), including claims for agreed/allowable expenditure.
- 2.3.2** Costs must be recorded in such a way that consultancy spend on individual projects can be analysed separately. The [Financial Accounting and Control Team](#) should be contacted if further advice on accounting for consultancy spend is required.

Consultancy reimbursements

- 2.3.3** When claiming reimbursement of agreed, allowable expenditure consultants must produce suitable supporting documentation, e.g. an invoice or receipt.

Budgetary control

- 2.3.4** The responsible officer must monitor costs against the budget that has been set and agreed for a consultancy engagement. If the cost of the engagement appears to be exceeding the budget the responsible officer must notify the Budget Holder. Where the engagement is expected to exceed the estimated total cost by the lower of 10% or £30,000 this must be brought to the attention of the relevant Accounting Officer and the relevant minister must be notified in the department's next quarterly financial report.

Data security

- 2.3.5** Consultants must comply with the data security standards as set out in their Terms of Reference/contract, especially when personal data or sensitive data is being accessed or viewed. This may require the need for confidentiality agreements.

Extensions to contracts

- 2.3.6** In accordance with Financial Direction 5.1, the Accounting Officer may authorise extensions to an existing contract in certain circumstances (see Extensions to Contracts). Extensions to consultancy engagements may only be considered where the contract specifically allows this - i.e. the potential for supplementary/follow-on work has been considered at the planning stage and has subsequently been documented in the Engagement Brief - and the consultant has performed well.

- 2.3.7** The contract must be re-competed where significant 'new' outputs (i.e. deliverables) have been defined. If in doubt, users should contact [The Procurement Team](#).

Document retention

- 2.3.8** Copies of all documentation must be retained on a consultancy engagement file for six years (see [Financial Direction 12.7 General Accounting](#)).

Code of Practice on Public Access to Official Information

- 2.3.9** In accordance with the Code of Practice on Access to Official Information², where a report provided by a consultant – including exempt reports – is deemed to be of public interest, the name of the report must be listed on the [States of Jersey Website](#). The responsible officer must forward the name of the report to their departmental Content Manager, who will then arrange for it to be uploaded onto the Website. If the cost of preparation of any such report exceeds £2,000³, then the cost and details of its status must also be listed.
- 2.3.10** Subject to the exemptions of the Code, departments must make available to the public all unpublished consultancy reports after a period of five years.

Additional procedures for all contracts greater than £25,000

Performance monitoring and measurement

- 2.3.11** For all contracts with an estimated total value above £25,000 and above, criteria against which the performance of individual consultants can be measured must be set in advance and documented (see [section 2.1.10](#)).
- 2.3.12** Where appropriate, a review must be completed at key milestones and contract meetings must be held regularly to discuss progress on these and performance of the consultant against the agreed criteria. Defining a schedule of regular contract management meetings when developing the consultant's Terms of Reference will ensure that the consultant is aware of how their performance will be measured.

² The Code of Practice is set out in Appendix 'A' of Proposition [P.80/2004 Code of Practice on Public Access to Official Information – Measures to improve implementation](#) (which was lodged on 27th April 2004 by the Privileges and Procedures Committee (PPC)).

³ This amount was fixed by the PPC in 2004 and, in line with the Code of Practice, is subject to review from time to time.

2.4 – Project closure and post contract review

Procedures for all contracts, regardless of value

Project closure

- 2.4.1** The responsible officer must establish processes to ensure that the consultancy engagement ends in a controlled manner, i.e. that the handover at the end of the contract is as smooth as possible.
- 2.4.2** The responsible officer is responsible for ensuring:-
- The effective completion of knowledge transfer where appropriate prior to or on completion of the engagement;
 - That all allowable claims have been settled; and
 - The return of any States of Jersey assets by the consultant.

Additional procedures for all contracts greater than £25,000

Consultancy performance review

- 2.4.3** Where the estimated value of the consultancy engagement is greater than £25,000 the responsible officer must carry out a consultancy performance review at the end of the assignment to compare actual output with the outcomes specified in the consultant's Terms of Reference. The reasons for any discrepancies must be documented together with what remedial action, if any, should be taken.
- 2.4.4** The responsible officer must also document:-
- Any problems encountered during the project, together with the aspects which were successful.
 - Any ongoing risks to the project that still require management.
 - Any aspects of the project that are incomplete in order that those charged with managing a service or contract after the project closes are aware of the actions that they may need to take.

3 GOVERNANCE

Legal Responsibilities

3.1 In relation to engaging consultants, under the Public Finances (Jersey) Law 2005 Accounting Officers must ensure that:-

- Expenditure does not exceed the amount appropriated to it by a head of expenditure and is used for the purpose for which it was appropriated (Article 38(2) (a));
- In so far as practical, all money owed by their department is duly paid (Article 38(2) (b));
- Proper accounts of all financial transactions are kept (Article 38(2)(c)); and
- Resources are used efficiently and effectively (Article 38(2) (f)).

In the absence of delegation, only an Accounting Officer can incur expenditure. The Accounting Officer may delegate this power, if appropriate, to another States employee.

Scheme of Delegation

3.2 In the absence of a Scheme of Delegation, only an Accounting Officer can incur expenditure. The Accounting Officer may delegate this power, if appropriate, to another States employee. However, the Accounting Officer will remain ultimately accountable for all financial duties and responsibilities.

3.3 Where an Accounting Officer delegates their financial authority, a Scheme of Delegation must be documented. The Scheme must detail what authority has been delegated and to whom and the limit placed on that delegation, and must be in accordance with the requirements of this Financial Direction.

For example, a Scheme of Delegation must include details on the following:

- Who can appoint responsible officers to oversee the consultancy process

Financial Direction 5.6 [U] Management of Consultants 14

- Who is authorised to sign Engagement Briefs and to what value
- Who can appoint a tender evaluation panel
- Who can approve an Evaluation Report and to what value
- Who can approve the reimbursement of allowable expenses

Where a scheme of delegation applies, all the mandatory requirements of an Accounting Officer (detailed in this Financial Direction) applies to any officer with delegated powers.

Required/Assumed Knowledge of this Financial Direction

Accounting Officers

- 3.4** Accounting Officers must be aware of this Financial Direction. A more detailed knowledge of the requirements of this Direction by Accounting Officers will depend on the Scheme of Delegation (if any) in Place within their department. However, as mentioned in section 3.2, the Accounting Officer remains personally accountable.

Budget Holders

- 3.5** Budget Holders who are involved in the management of grants must be aware of the details of this Financial Direction as they apply to them, i.e. in line with the departmental Scheme of Delegation (if any) in place.

Finance Directors

- 3.6** Finance Directors are responsible for developing and maintaining control and assurance processes at departmental level and therefore need to be comfortable with all of the Specific Requirements set out in [section 2](#) of this Financial Direction.

Operational staff

- 3.7** All officers involved in the management of consultants need to be comfortable with the Specific Requirements that are relevant to them, i.e. knowledge is required on a need to know basis in line with the departmental Scheme of Delegation (if any) in place.

Departmental Compliance Procedures

- 3.8** Accounting Officers are responsible for ensuring that a control and assurance framework is in place in their department.
- 3.9** Finance Directors are responsible for developing and maintaining a control and assurance framework at departmental level. They are also responsible for implementing assurance processes (e.g. compliance procedures and assurance statements).

- 3.10** Finance Directors must ensure that departmental assurance processes are documented. A robust assurance framework will assist accounting officers in the preparation of the Accounting Officer's Statement on Internal Control.

4 SELF-CERTIFICATION CHECKLIST

	Yes	No	N/A
Planning the engagement			
Is the need for the use of a consultant justified? (see section 2.1.1)			
Does the proposed contract constitute a consultancy arrangement? (see section 2.1.2)			
Has a 'responsible officer' been appointed to oversee the consultancy engagement? (see section 2.1.4)			
Has the total cost of the engagement been estimated, including allowable expenditure? (see sections 2.1.6 to 2.1.9)			
For all contracts valued at greater than £25,000: has an Engagement Brief been prepared in sufficient detail? (see sections 2.1.10 and 2.1.11)			
Supplier selection: Procurement procedures			
Have the appropriate procurement procedures as set-out in Financial Direction 5.1 been complied with? (see sections 2.2.1 to and 2.2.3)			
Has the Chief Clerk of the Law Officers' Department been consulted where the contract relates to the provision of legal services? (see section 2.2.4)			
For all contracts valued at greater than £25,000: have the additional procurement procedures been followed, as set out in Financial Direction 5.1 and as supplemented by this Direction? (see sections 2.2.5 to 2.2.13)			
Contract management			
Is consultancy expenditure correctly recorded in JD Edwards? (see sections 2.3.1 and 2.3.2)			
Are claims for allowable expenditure adequately supported? (see section 2.3.3)			
Is performance against budget being monitored and any overspend appropriately reported onwards? (see section 2.3.4)			
Are data security standards being complied with? (see section			

2.3.5)			
Have extensions to contracts only been considered in accordance with Financial Direction 5.1 and as supplemented by this Direction? (see section 2.3.6 and 2.3.7)			
Are procedures in place to ensure that all relevant documentation is retained for six years? (see section 2.3.8)			
Have the requirements of the Code of Practice on Public Access to Official Information been complied with? (see section 2.3.9 and 2.3.10)			
For all contracts valued at greater than £25,000: has performance evaluation criteria been set and documented in the Evaluation Brief, and is performance being routinely monitored at an appropriate level? (see sections 2.3.11 and 2.3.12)			
<i>Project closure and post contract review</i>			
Has the responsible officer closed the project appropriately? (see sections 2.4.1 and 2.4.2)			
For all contracts valued at greater than £25,000: has the responsible officer carried out a consultants performance review at the end of the assignment (see sections 2.4.3 and 2.4.4)			

2.10 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE ACCOMMODATION COMPONENTS OF INCOME SUPPORT:

Question

- (r) Further to the Minister's answer to oral question 9264 asked on 23rd February 2016 regarding Income Support accommodation components, can she clarify what she means when she says of the 1,898 Income Support households in private sector rental, 48% are 'below the cap' and 52% 'above the cap'?
- (s)
- (t) Further to her comments that 'components were never designed to be incredibly generous; they are a modest assistance to low income families who are required to rent in the private sector', is it the case that, with the move to 90% market rents for social housing providers, these components will now exceed the maximum components for those renting in the private sector; and if so, what is the justification for this?

Answer

The figure quoted relates to the proportion of households renting in the private sector who are paying more towards their weekly rent than the maximum value ('cap') of the Income Support accommodation component. This could be for a number of reasons, including people who occupied a property before claiming Income Support and do not wish to move. For example, this could include a claimant who has recently been made redundant and receives financial support from Income Support whilst finding new employment. In other cases, an individual may make a specific decision to spend a greater proportion of their weekly income on their rent, for example a single person may choose to rent a property with a small garden. It is important to consider this statistic with the understanding that the private sector has a wide range of accommodation, and that there will be many factors that people take into account when deciding where to live.

The maximum accommodation components for Income Support households renting in the private sector were approved by the States as part of P.1/2014, the Income Support Regulations which allowed the Social Security Department to meet its obligations under P.33/2103 "The Reform of Social Housing." These maximum levels increased the rates that preceded them, and were calculated by the Housing Department using market rental data across individual Housing Department properties. An average market rent of all of the units of a specific property type was calculated, to give a figure that represented the average rent for each comparable property type in the open market. This gives the basis for the maximum accommodation component that is linked to the standard of property available to people renting in social housing. This change provided ongoing additional support of £1,000,000 per annum to private sector tenants as part of the Housing Transformation Programme. Support for accommodation costs has also been fully protected within the MTFP, and so rental components for private sector tenants are due to rise in each of the next 4 years.

The changes to support for social housing rents were also set out very clearly as part of P.1/2014, The move for Income Support to meet the cost of 90% market rents for social housing tenants allowed social housing providers to charge rents that "more closely reflect their realistic value on the open market, receiving a rental income that will in turn be re-invested in the maintenance of existing stock and the development of essential social housing projects." This support for Jersey's strong social housing sector is critical if we are going to improve the quality and increase the supply of affordable social housing in the Island.

It is correct that in some cases the social housing component will exceed the private sector component for a particular size of property. The private sector caps are currently set at 95% of the average of social sector rentals. By definition, there will be some social rents above the average and some below the average. Therefore, as social sector tenants have their full rental cost included in their accommodation component, some social sector tenants will receive components above the maximum available in the private sector and some will receive components below.

2.11 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING A POSSIBLE REVIEW OF THE STATES OF JERSEY FINANCE FUNCTION:

Question

(u)

(v) Following the recent publication of the Comptroller and Auditor General's report 'Review of Financial Management – Part 2' (R.19/2016), will the department be carrying out a full review of the finance function across the States of Jersey? If so, how will the review be undertaken? Will it require engagement from a consultant or advisor and would the Minister also provide a target date for the completion of any such review?

Answer

It is important to recognise that good financial management is not simply the function of finance staff but is the responsibility of all those staff with financial management responsibilities.

The Minister is informed by the Treasurer of the States that the recommendations from the Comptroller and Auditor General's report 'Review of Financial Management – Part 2, have been discussed at the Finance Advisory Board. The Treasurer of the States and the Finance Advisory Board support the recommendations and recognise that there is good practice in some aspects of financial management in some departments but also recognise that good practice needs be in place across all departments in a consistent and robust manner.

In January 2016, before the publication of the Comptroller and Auditor General's report 'Review of Financial Management – Part 2', the Finance Advisory Board had identified the need to undertake a review of financial management against a recognised best practice model and had selected the National Audit Office Financial Maturity model.

The proposed programme of work will require a Programme Board (PB) and Project Team. It will also establish an on-going continuous improvement programme that will include periodic assessment of practice against the model.

The programme will comprise four main stages:

- 1.0 Assessment and gap analysis – Q2-Q3 2016
- 2.0 Preparation of 12 month Development Plan – Q2-Q3 2016
- 3.0 Implementation of Development Plan – Q2/3 2016 to Q2 2017
- 4.0 Post Implementation Review and Preparation of Continuous Development Plan – Q3 2017

It is proposed that a Board is set up to oversee the programme comprising a sub group of the Finance Advisory Board, chaired by the Treasurer.

A Project Team will be established with individuals from across the finance function (Treasury and Departments) who will be responsible to the Board for implementing the development plan.

The review will examine expert advice previously obtained. However, it is likely that further advice will be needed to access the function against the best practice model. In light of the Comptroller and Auditor General's most recent report the current terms of reference for the review are being assessed to ensure they address relevant issues raised in that report.

2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING RENTAL SUPPORT AVAILABLE TO LOW-INCOME FAMILIES:

Question

(w)

What housing policies have resulted in the apparent reduction in rental support available to low-income families, given the differences between the figures produced in the House Price Index for quarters three and four 2015 for average private sector rents and the accommodation component of Income Support?

Answer

There has been no reduction in the rental support available to low-income households. Rental support to private sector tenants has in fact increased as part of the Housing Transformation Programme.

Whilst the Rental Price Index provides a helpful overview of advertised rents in the private sector, it is an ongoing piece of work being developed by the Statistics Unit. The Index represents an average of all rents across the private rented sector and includes the full range of different types of accommodation,.

The Income Support limits for private sector rents are linked to the average rental value of social housing properties, following the recommendation set out in R.44/2013 'Options for Income Support in the Private Rented Sector' and subsequently approved by the States Assembly in P.1/2014. These changes ensured that the Social Security Department was able to meet its obligations under P.33/2013 'The Reform of Social Housing.'

Following the recommendation of R.44/2013, the Income Support limits for private sector rents were set with reference to the average rents that could be achieved across a variety of types of accommodation administered by the former Housing Department, if rent was set at an open market level. This provided an equivalent average rent for comparable properties in the open market, which is a fair point of reference for the size and standard of accommodation that is included in the Income Support scheme.

The Income Support limits were increased in 2014, which provided additional support of £1 million per year to private sector tenants as part of the Housing Transformation Programme. Support for private sector rents has also been fully protected within the Medium Term Financial Plan, and rental components for private sector tenants are due to rise in each of the next 4 years.

This is a fair and sustainable way of providing support to low income private sector tenants with the costs of renting.

2.13 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE RENTAL COMPONENT OF INCOME SUPPORT:

Question

(x)

Can the Minister account for the differences between the figures produced in the House Price Index for quarters three and four 2015 for average private sector rents and the accommodation component of Income Support contained in the following table which shows that the rental component of Income Support has not kept up with average rents in the private sector –

	Rent per month	Income Support per week
1-bedroom flat	£930	£181.30
2-bedroom flat	£1,450	£235.48
2-bedroom house	£1,500	£273.52
3-bedroom house	£1,900	£324.24
4-bedroom house	£2,500	£341.25

What policy decisions have led to this apparent reduction in real terms in rental support available to low-income families?

Why does rental support now not match real rents as used to be the case under the 'fair rent' policy and what impact has this had on the amount of support received by low income families comparing the situation in 2013 and 2015?

Answer

The average monthly rental figures quoted in the table are not directly comparable to the maximum value of the Income Support accommodation component. This is because they represent an average of all rental properties in Jersey, including those that are very expensive. Income Support tenants comprise approximately a quarter of the private rental sector market, whereas the rentals figures published in the House Price Index report represent an average of all private sector rents, which includes the significant market in very high quality rental accommodation available in Jersey.

The previous 'fair rent' policy did not match real rents in the private sector, as the maximum Income Support accommodation components were based on the standard rent payable for properties owned by the Housing Department. One of the key principles approved as part of P.1/2014 stated that "Previous research into the private sector rental market has established that the historic process for the annual increase of Housing rents had resulted in "fair rent" levels that did not reflect the market, and so the proportionate increase in rates will allow the Income Support system to provide support to private sector tenants in a way that better represents their cost of living."

The Regulations that were approved by the States as part of P.1/2014 replaced the "fair rent" levels with a comparable set of maximum rates that were designed specifically for private-sector rental properties. These maximum levels increased the support available to Income Support families renting in the private sector. They were calculated by the Housing Department using market rental data across individual Housing Department properties. An average market rent of all of the units of a specific property type was calculated, to give a figure that represented the average rent for each comparable property type in the open market. This now links the maximum private sector accommodation component to the standard of property available to people renting in social housing.

This change provided ongoing additional support of £1,000,000 per annum from 2015 onwards to private sector tenants as part of the Housing Transformation Programme. Support for accommodation costs has also been fully protected within the MTFP, and rental components for private sector tenants are due to rise in each of the next 4 years.

2.14 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE OUTSOURCING OF CLEANING AND GARDENING SERVICES:

Question

(y)

Will the Minister provide a breakdown of the short and long-term savings attached to his plans to outsource the cleaning and gardening services currently delivered by his department?

Answer

The Department for Infrastructure is working to meet the savings target of £4.6 million by 2019, internal service reviews are being conducted across all sections of the Department including Parks & Gardens and Cleaning Services. We are hoping that Parks & Gardens and Cleaning Services will contribute £1m to the savings target.

At this stage we cannot provide a detailed breakdown of the short and long term savings that may be achieved through outsourcing until we have concluded the tendering process for some of these services.

However, estimated savings are at this stage following initial ‘soft market’ testing are £1m for the Department for Infrastructure and further savings for the States of Jersey as a whole are anticipated.

The procurement process has recently commenced and the pre-qualification questionnaire has now been published on the States Procurement portal. Only once the service reviews are completed alongside the evaluation of the tendering process will the Department be able to provide such a breakdown.

2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF STAFFING REDUCTIONS UPON THE CAREER AVERAGE REVALUED EARNINGS (CARE) PENSION SCHEME:

Question

(z)

What estimate has been made of the effect of achieving significant reductions in staffing within the next three years, and what impact would that have on the viability of the new Career Average Revalued Earnings (CARE) pension scheme?

Answer

There is no impact on the viability of the new Career Average Revalued Earnings (CARE) pension scheme from a reduction in staffing levels. The new pension scheme has been costed using prudent assumptions so that the employer and employee contributions cover the CARE benefits being accrued. While a smaller number of new employees would result in a lower level of contributions being paid into the scheme this will be matched by a lower level of benefits being accrued and a lower level of scheme liabilities. There is no impact on CARE scheme viability.

2.16 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE SKILLS REQUIRED BY JERSEY’S DIGITAL INDUSTRY:

Question

Further to the answer tabled to question 9238 on 23rd February 2016 regarding the [support provided to Jersey’s digital industry](#), could the Chief Minister advise what specialisms have been identified so far that Jersey is lacking, if any, and outline what the Government has done to inform the local digital community and education services of any such lack of skills?

Answer

During the Design Authority procurement process emphasis, through evaluation methodology, was placed on supplier experience and track record in dealing with complex clients, ideally within the public sector. The selection process adhered to this evaluation methodology and feedback will be provided to all suppliers who bid for the contract.

The preferred supplier has been requested to engage with the local industry to identify, within 30 days, opportunities to use this contract to grow capacity and capability and to develop the skills of the local industry. This will include knowledge transfer in the context of complex design architecture, specifically including the enterprise architecture approach to systems, data and security.

2.17 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE SUPPORT PROVIDED TO JERSEY’S DIGITAL INDUSTRY IN ACCORDANCE WITH THE OBJECTIVES OF THE STRATEGIC PLAN:

Question

Further to the answer tabled to question 9238 on 23rd February 2016 regarding the [support provided to Jersey’s digital industry](#), could the Chief Minister advise –

- why it has taken almost a year to draft a digital framework when the Strategic Plan was agreed on 30th April 2015;
- why it has taken 3 years to act on one of the Key Objectives for eGovernment, which was to grow the local digital sector; and
- whether any policies in the Design Authority tender process specify the need to align with the Strategic Plan and, if so, what are they, and if not, why not?

Answer

1. The Strategic Plan includes the aim to ‘Develop a plan to promote additional jobs and growth in the Technology sector, with a particular focus on Fintech’. Work in this field has progressed considerably since April last year, in FinTech and many other areas of ICT. This includes:
 - a. hosting the Channel Islands' first global Fintech conference in October 2015
 - b. the appointment of a new Chief Executive of Digital Jersey
 - c. the launch of Digital Jersey's 2016 Plan, which focuses on New Business
 - d. the announcement that we would produce a digital framework for Jersey (similar to the framework for financial services published in 2014)
 - e. the commissioning of a report (published in December) examining which sectors within FinTech (and also MedTech, AgriTech, RegTech etc.) Jersey can best capitalise on, and what actions it needs to take to do so.

These strands combine with progress made by the JFSC to create a light-touch and innovation-friendly ‘sandbox’ style regulatory environment for FinTech products.

The Digital Policy Framework will reflect these and other developments, guided by the Strategic Plan and complementing four other closely-related government policy initiatives: the Innovation Review and Action Plan, and new Strategies for Telecoms, Cyber-Security and Enterprise.

A first draft of this Digital Framework will be circulated among key stakeholders in the coming month, and should be officially ready for launch in the second quarter of 2016.

2. In the context of developing the digital industry the mandate given to the eGovernment programme is to identify and act on opportunities to stimulate the digital industry in the process of delivering the primary objectives of the programme, which are to enhance customer service and create a more efficient public sector.

Since relaunching the programme in January 2015 much of the budget committed to system development, project management and business analysis has been spent with local suppliers. It is anticipated that details on this expenditure will be published in the first half of 2016.

The Design Authority will seek to identify what opportunities exist to stimulate the local digital industry in moving towards target enterprise architecture and how these opportunities should be developed.

3. The appointment of a Design Authority is directly aligned with Strategic Plan, specifically: Desired Outcome 1.3 - Improved, more productive and sustainable public services.

The Design Authority will establish the enterprise architecture for the States of Jersey, which will enable delivery of the eGovernment objectives.

This will also support delivery of other desired outcomes. For example improved data architecture will support all initiatives that span the States of Jersey, such as 1,001 days.

3. Oral Questions

The Bailiff:

We now come to Oral Questions. There are a number of questions to the Minister for Infrastructure regarding the redundancy issue and I am going to be quite strict on Members' questions so that the supplementaries relate to the subject matter of the question. The first question relates to staff and cleaners at risk of redundancy.

3.1 Deputy M. Tadier of St. Brelade of the Minister for Infrastructure regarding the number of Parks and Gardens staff and cleaners at risk of redundancy as a result of outsourcing proposals:

Would the Minister advise how many Parks and Gardens staff and cleaners are at risk of redundancy as a result of the outsourcing proposals?

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

If I may, I would just like to express on behalf of Members and welcome Year 5 from Grands Vaux and from Beaulieu School and hopefully at some point in the future they may be future parliamentarians sitting in this Assembly. But I will move on now to answering Deputy Tadier's question. Firstly, for clarification, employees in the service areas, parks and gardens and cleaning services have not been put at risk of redundancy. Internal service reviews are ongoing therefore at this stage we cannot provide accurate information about the numbers of affected employees. However, our employee numbers are reducing on a weekly basis due to applications being accepted as part of the voluntary redundancy programme, employees being redeployed to other areas of the States, and employees leaving to retire or to take up roles in the private sector.

[9:45]

Once the service reviews are completed officers will then be commencing a full employee consultation programme, meeting with staff, sharing the contents of the service reviews with affected employees, and listening to their views and suggestions on how we may mitigate redundancies. In addition to the employee consultation programme, officers are meeting monthly with both Unite and Prospect Unions and senior management meetings are taking place on a weekly basis with Unite to discuss issues of concern. On completion of the consultation programme the department will agree a way forward and will then have accurate and up-to-date figures on the affected employees but until that time we simply do not know.

3.1.1 Deputy M. Tadier:

May I add my welcome to the students in the gallery, and on behalf of Reform Jersey I hope that in future we might see some of you as party members in this Assembly. I would like to ask the Minister whether he can be more specific about the figures. We started off with 140 with their jobs being threatened. Can he be more specific about how many have already taken voluntary redundancy and what he expects needs to be done in order to meet his targets?

Deputy E.J. Noel:

In 2015 we had some 25 successful applications for individuals to be part of the voluntary redundancy scheme of last year. The breakdown of that was 21 from the manual workers side and 4 from the Civil Service side of our department. We have a similar number in progress currently but we have also had a number of individuals that have left States employment primarily to retire or

to move on to jobs outside of the States. Therefore although the original worst case scenario was some 150 individuals that has been substantially reduced to less than a third of that. The continual trend is for that number to be reduced and in an ideal situation I would want no employees to have to suffer compulsory redundancy and we are working to that aim, but as Members will appreciate it is challenging and we may not reach that goal.

3.1.2 Deputy M.R. Higgins of St. Helier:

The Minister, with the figures he just gave about voluntary redundancy and so on, but he also mentioned that some people have transferred to other parts or other departments, can he also give us the figures for those people please?

Deputy E.J. Noel:

We have had, to my knowledge, at least 3 individuals that have transferred within my own department from areas that are more at risk, so to speak, to substantial reconfiguration to those that are less so. We are working with our colleagues at Health and Social Services, and indeed outside of the States we are working with Andium, Ports of Jersey and with the Parish of St. Helier.

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

As I pointed out in the States question time 2 weeks ago, the Minister is following a course of action, which was the precise opposite of what he said during his election for the office of Minister for Transport and Technical Services, so could I ask him if he could inform the Assembly when exactly was the moment that he decided to abandon this election pledge?

Deputy E.J. Noel:

It was not so much an abandonment of an election pledge but facing up to reality that this Assembly back in October last year agreed an M.T.F.P. (Medium Term Financial Plan) programme over the next 4 years by which way my department needs to make some £4.6 million worth of savings year-on-year over that period. We simply cannot do that without reducing our headcount.

3.1.4 Deputy S.Y. Mézec:

Does the Minister see any connection at all between the recent results from the change.je poll which showed that virtually all of the Ministers have very significant dissatisfaction ratings among the public, as well as the overall direction that the Government is taking the Island down, having 82 per cent dissatisfaction? Does he see a connection between those figures and his answer previously, which shows the political promises from this Government are worth absolutely nothing?

Deputy E.J. Noel:

Although that change.je questionnaire was of some interest, they have acknowledged that it was not necessarily ... it was a self-selecting questionnaire and therefore you have to look at the data in that light. But, yes, the Government does have to step-up and does have to engage more with the public. When you have difficult messages and difficult decisions to make that they are not popular. That is the situation we find ourselves in.

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

The Minister denies that any staff will be put at risk, why then in his summary of the impact of service reviews does he say, on page 12, a document I have in my possession: "That cleaning and Parks and Gardens service reviews will have significant impact on the total number of staff employed. In Parks and Gardens 54 employees will be put [his words] at risk. In cleaning services 93 employees will be put [his term] at risk."

Deputy E.J. Noel:

I just need to correct Deputy Southern there. I have not said that no employees will be put at risk at any point. Almost certainly we will - although we are trying to mitigate it as much as possible - there will be some compulsory redundancies. The document that Deputy Southern is referring to is a document that was produced on 2nd December last year. It was a document that was shared with the unions on a confidential basis and that was to outline the position of where we were in this process and to give the unions an indication of what the worst case scenario would be. Luckily we will not see that worst case scenario; as I have said, the numbers are less than a third of those that were in that document.

3.1.6 Deputy K.C. Lewis of St. Saviour:

Is the Minister aware that many U.K. (United Kingdom) county councils, predominantly Conservatives, are now abandoning the principle of outsourcing as being far too expensive, are in fact insourcing? The county council in Cumbria - this was in the weekend national newspapers - claim that if it was not for insourcing they would not have been able to cope with the recent devastating floods that were inflicted on the north of England. Will the Minister take this on board?

Deputy E.J. Noel:

Deputy Kevin Lewis makes some good observations there. We are going to be maintaining our workforce for emergency reaction projects such as when we have major storms and flooding. The document that that article was based on is subject to a question I have got later on from Deputy Southern, so I will be able to answer that then. But as I have said previously in this Assembly, when you do a soft test analysis on one building in the States remit, which is Cyril Le Marquand House, that costs us some £160,000 a year to clean. We have soft-tested that with the private sector on a like-for-like basis and it came in at some £90,000 to clean on an annual basis. If that difference was substantially less than £70,000 we could probably live with it. But at that sort of difference then I am afraid we do need to look at our costs and see how we can provide the same level of service for less.

3.1.7 Senator Z.A. Cameron:

Many of the public sector workers that have accepted or being made redundant appear to be working on the front line. These jobs will then need to be outsourced to the private sector. In the meantime the appointment of overseers and bureaucrats to procure those services continue to increase, adding to the paperwork and pressure felt by those who are going to have to deliver the services. How does the Minister expect this type of public sector reform to improve the productivity of those delivering services and also deliver savings to the taxpayer?

Deputy E.J. Noel:

The Senator again makes some valid observations there but from our experience, just looking at the V.R.s (voluntary redundancies) that have come through in 2015, it is not all front line staff that are moving on from States employment. As I said, there are 21 manual workers and 4 were civil servants, so this change is happening across the piece, it is not just aimed at manual workers. We are very much looking at redesigning the whole of our services to reduce the public sector without damaging front line services.

3.1.8 Connétable C.H. Taylor of St. John:

Could the Minister confirm that he has a business plan and is it on the web page?

Deputy E.J. Noel:

Yes, this is a question I had 2 weeks ago from Deputy Wickenden. The department does have a business plan and no, it is not on the webpage. But it will be by June.

3.1.9 The Connétable of St. John:

If the business plan is not available until June it should have been available last October or November as to what you would going to be doing this year. My concern is the fact it has not been published means that we have no barometer in which to test what you are doing. I seriously question does the Minister have his own barometers to know what targets he is trying to meet and what he is trying to achieve?

Deputy E.J. Noel:

Very much so and that target was set by this Assembly. That target is to save £4.6 million on a year-on-year basis by 2019 and we are working through that. The reason why we have not published our business plan is because it is changing and we are having to change it as a result of the service reviews that we are doing.

3.1.10 Deputy M. Tadier:

Does the Minister accept that while he might have a mandate from this Assembly for the overall budget spend in the next few years and for the remainder of this States he does not have any backing from this Assembly for the specific and, I think, swingeing cuts that he is putting through in his department infrastructure? Moreover and more importantly, he does not have the mandate from the public because he never told the public and his fellow Ministers never told the public at election time that he was going to propose any of this, let alone any of the hardworking staff on the front line in his department. Does the Minister accept those 2 points and if so, will he go back to the drawing board and find other better ways to either make savings or perhaps even rethink fundamentally the tax and spending model of this Government, which is fundamentally unsustainable?

Deputy E.J. Noel:

We are making substantial savings over the next 4 years to reinvest: to reinvest in Health, to reinvest in Education and to reinvest into the growth of our economy and to reinvest in St. Helier. We have been tasked to make these savings. May I remind Members that in its previous guises, my department, be it T.T.S. (Transport and Technical Services) or Public Services, or Resources Recovery Board has, when asked, always stepped-up to the mark and made its savings. Up until now we have been able to do that from non-staff areas. We have cut all the surplus fat from the organisation to an extent where the only savings that we can make on a year-on-year basis are from our headcount.

3.2 Deputy C.F. Labey of Grouville of the Minister for Infrastructure regarding the cost of redundancies and the possible rise in Income Support costs against the cost to the States of outsourcing services:

Has a comparative in-depth analysis been carried out on the cost of the redundancies being made in the department together with the possible rise in income support costs, against the cost to the States of buying-in the services required from the private sector and, if so, will he provide this information to the Assembly, and also advise how many Civil Service staff, including managers, will be impacted by the changes?

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

My department has been asked to make the £4.66 million worth of savings as set by this Assembly in the M.T.F.P.2 (Medium Term Financial Plan 2016-2019). These savings will only be achieved by reducing staff numbers. Unfortunately the scale of the savings makes redundancies unavoidable, be they voluntary or compulsory. While we want to avoid redundancies, these

savings will only be achieved by making radical changes in service delivery. A social impact assessment has not been looked into by my department, we are simply reviewing our services to meet the target set by the M.T.F.P.2 and approved by this Assembly. I refer Members to my previous answer to Deputy Tadier with regard to staff numbers.

3.2.1 The Deputy of Grouville:

Should I take that as a no, a comparative in-depth analysis has not been carried out?

Deputy E.J. Noel:

That is exactly what I said. Our department has not carried that out nor is it in our remit to do so.

3.2.2 Deputy M. Tadier:

The Minister in question and his fellow Ministers seem to have a strange sclerotic relationship when it comes to public consultation. On the one hand they say it is very important for the public to have their say on various issues, even if they do U-turns at the very last minute. But when it comes to massive changes to our public services, which taxpayers and citizens rely on, they seem to think it is okay just to go ahead without a mandate and then give an answer with a straight face in this Assembly saying: “Oh, by the way we have not done any social impact assessment, we do not know what impact it is going to have on Social Security, whether they are going need to pay more for individuals”, *et cetera*.

[10:00]

Is this really responsible Government and if so, can the Minister perhaps come back in short order with some workings to show that these plans will not create unintended consequences that will have a negative impact on some very hard-working staff in our community and their families?

Deputy E.J. Noel:

This Assembly has given the Council of Ministers the mandate in approving the M.T.F.P.2. The M.T.F.P. process allows for extended lodging periods and therefore there has been ample time to review the outcome of that decision prior to it being made. Naturally we will be going forward with the M.T.F.P.2 addendum later on this year. With regard to the social impact assessment, that is for our Economics Unit to address and I believe that they are going to be looking into that and reporting back on the economic outline of our proposals for effectively investing some £63 million worth in additional health and education services, some £5 million worth of growth in other areas. The appropriate funding for our infrastructure to account for the depreciation of again some £55 million, which leaves effectively a £28 million gap, which could be argued to be 2 sides of a structural deficit. So therefore we have £145 million of a plan and that plan is going to be funded by some £35 million worth of additional health charge, an additional £10 million worth of user pays taxes or charges, £10 million worth of savings from our social security system and a total of £90 million worth of savings across all States departments with at least three-quarters of that being funded from the States payroll costs.

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

The Minister has acknowledged that no in-depth analysis has been carried out yet he has told us in the first answer to a question of Deputy Tadier they have been out softly to cleaning companies and asked on a like-for-like basis: “Can you clean this office down the road for us?” When he says like-for-like, did he find out exactly how much the cleaners doing the work were going to be paid and who was going to be picking up the difference; the taxpayer at Social Security?

Deputy E.J. Noel:

The 2 things are completely different. The economic impact is a piece of work to be done in conjunction with the States economist. The soft testing of the market, whether or not you can get services provided at a less expensive solution to the taxpayer, is a completely different topic. The 2 are not related.

3.2.4 Deputy J.A. Martin:

Sorry, I have to push the Minister. He said for less expense or in the previous answer he said like-for-like. Now which is it? Is it the same terms and conditions for the workers or has the Minister not even bothered to ask?

Deputy E.J. Noel:

The terms and conditions that will be paid in the private sector will be substantially different to those paid in the public sector. The like-for-like is the quality of the service is comparable on a like-for-like basis. So we are talking about the actual end product, the actual service being provided to the public, the cost needs to be looked at and the difference on one building between £160,000 worth and £90,000, in my opinion, is too great.

3.2.5 Deputy G.P. Southern:

The Minister talks about savings to be made from outsourcing. Is he aware that, using his own figures of 50 redundancies, if all of those 50 redundancies were to get low paid unskilled work that the cost to the taxpayer annually, in terms of increased income support, would be £500,000 a year. If none of them were to get that unskilled work then the cost would rise to £1.2 million a year. Are there not costs and has he not done the calculation through income support, there are not costs in his proposals to outsource?

Deputy E.J. Noel:

I do believe that Deputy Southern is throwing up lots of smoke and maybe a few mirrors there. Those employees that will be leaving States employment may go on to get comparatively paid jobs. They may go on, in some instances, to get jobs that pay more. But the likelihood is that they will move on to jobs that pay less. But it is on their household income that income support is calculated. You cannot just conflate 2 issues and come up with the figures that Deputy Southern has done because they are completely and utterly inaccurate.

3.2.6 Deputy G.P. Southern:

The Minister has now done the calculation, has he, in the list 5 minutes because he could not tell us what the numbers were 5 minutes ago?

Deputy E.J. Noel:

No, certainly not. If I may say, Deputy Southern is being a bit flippant because this is an important topic, particularly for those individuals that are going to be affected. Income support is a matrix on the household income, so you cannot simply take one individual and say what their income support figure will be or will not be **[Interruption]** ... the Deputy says he can do an average. But there are multiple layers in this and you cannot just pick one figure out and quote it across this Assembly with any degree of accuracy.

3.2.7 Deputy K.C. Lewis:

As the previous Minister for Transport and Technical Services, it is my duty to report that I have had many late evening phone calls from the T.T.S. workforce, now Infrastructure workforce. Many emotional phone calls: by their own admission, a lot of people will never work again. Will the Minister not concede that when you are the Minister not only do you run the department but you have a duty of care for the workforce?

Deputy E.J. Noel:

We all, as States Members, have a duty of care and we particularly have a duty of care to those that work for the States across the piece. As a former member of the S.E.B. (States Employment Board) I am very aware that we need to be an employer that has compassion, an employer that is considerate and does not take steps lightly. That is why we have a substantial and extensive programme of consultation with the staff and those that will be affected will be taken through a programme and helped to try and mitigate the effects on their individual life. If they come up during that process with challenges to the service reviews or suggestions whereby they could continue it in States Employment, we will look at that and we will work with them to ensure that the outcome is as least harmful to them as possible.

3.2.8 Deputy M.R. Higgins:

Part of the Deputy of Grouville's question was asking would he advise how many Civil Service staff, including managers, will be impacted by the changes. Can he tell us does his review extend and include those earning £100,000 in his department or other senior people or are they excluded from this review and you are only looking at the lower paid?

Deputy E.J. Noel:

No, they are very much included in this review because we are doing a complete service review, section by section. We are looking at the service we provide, we are looking at the type of service that the public want and how to best deliver that service for the most efficient and best value for money. Yes, I can confirm to the Deputy that it is not just the lower paid we are looking at, it is across the piece. It is from the top level down.

3.2.9 Deputy S.Y. Mézec:

In a previous answer the Minister spoke about making difficult decisions. Would he not concede that decisions become very, very easy when you do not even bother to try and ascertain what the impact of those decisions are going to be?

Deputy E.J. Noel:

The decisions that my department has been asked to look at is how we save £4.6 million on a year-by-year basis on a budget that is just below £25 million. That is over a 20 per cent cut in our spending. We do have to look at that very carefully and we do have to make sure that the department is still fit for purpose at the end of it. That is exactly what we are doing.

3.2.10 The Deputy of Grouville:

To say that I am surprised that he has not carried out an in-depth cost analysis would be an understatement. The Minister has said it is not in his remit to do such analysis, so how does he know that these measures he is pursuing will have the results of reducing his budget expenditure? Is it not symbolic measures and will create a false economy in the long term?

Deputy E.J. Noel:

Absolutely not. I believe some Members are getting confused here between what is a departmental budget, which we have been asked to substantially reduce, and what is the social economic impact of the overall package of £145 million. The latter is for the economists to answer for and it is the former for my department to implement.

3.3 Connétable A.S. Crowcroft of St. Helier of the Minister for Infrastructure regarding traffic survey reports compiled by Jersey in Transition:

What conclusions, if any, has the Minister been able to draw from the recent traffic survey reports compiled by Jersey in Transition?

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

I would like to thank the Constable and, indeed, Jersey in Transition for providing my department with the surveys. For the record, they are providing interesting data on how many vehicles, cyclists and pedestrians use Midvale Road, Val Plaisant and Bath Street during the morning rush hour. Last year they also carried out a more comprehensive survey on Conway Street. My department has carried out similar surveys across St. Helier as part of our review of traffic in the town area, which the Constable is well aware of, and we are carrying out on behalf of the Future of St. Helier project. Their efforts are very helpful and complement the data that we already have. The key conclusions with which Jersey in Transition make, and which I would concur with, is that there are significant proportions of pedestrians using the roads as well as cyclists and vehicles. Sometimes the pedestrians and cyclists outnumber the motor vehicle. The aim of the Future of St. Helier project is to ensure that our town is an attractive place to live, work and visit. Traffic was clearly a key issue at last year's public consultation and finding the right balance between the various road users will be essential. To that end, I understand that the group will also be conducting cycle surveys and I would be pleased to see the results of those. I would also invite representatives from Jersey in Transition to meet with the Department of Infrastructure and the Parish to share our collective surveys and to work more closely together in the future.

3.3.1 The Connétable of St. Helier:

I thank the Minister for his answer. With respect to Conway Street, the survey was very striking in that it showed that approximately a third of the users of Conway Street are in vehicles, two-thirds are on foot or on a bicycle. Does the Minister not agree with me that there needs to be a review of how we allocate road space in congested streets like this, where the majority of road users are being marginalised and pressed into very small areas and the minority of road users have the lion's share of the space? Is this not a good case for improving, in particular, pedestrian facilities in these busy streets?

Deputy E.J. Noel:

Absolutely, and the Constable will know that my department is working on a solution for Conway Street, among other areas in St. Helier including Charing Cross, Midvale Road and others. I would welcome the Constable's assistance perhaps with the money that he gets from the States paying rates to fund some of these improvements.

3.3.2 Deputy M. Tadier:

Is the Minister committed to reducing car usage in Jersey and, if so, what are the main ways that he intends to do that?

Deputy E.J. Noel:

Yes, I am, as it has also been a States decision in the Sustainable Transport Policy whereby we want to reduce peak hour congestion. It is an evolution project, it is not an overnight one: there are no silver bullets. It is going to take a lot of work. We need to improve the alternatives. We have already seen substantial improvement in our bus service along the lines that the Constable has mentioned. Improving the infrastructure within St. Helier will also help that situation. Yes, we should be doing what we can to encourage people out of their motor vehicles and enjoy this wonderful Island of ours in different ways.

3.3.3 Deputy M. Tadier:

Is not the reality that while we have seen some very small increase in bus usage we have not really seen any significant decrease in car usage and it is essentially a failure of Government in that respect? Can the Minister specifically say how increasing the bus fares, the cash fares, to £2 as a flat rate for the bus helps encourage people to use alternative methods of transport rather than their cars when petrol is at an all-time low in the last few years?

Deputy E.J. Noel:

Several questions there. I will take the first one first. It is not fair to say we have had a marginal increase in bus usage. Bus usage over the last 2 years has increased substantially. The Deputy is correct that unfortunately the peak hour traffic has not reduced but also in that time we have seen the population rise, which was not built into the original target figures for the reduction in congestion.

[10:15]

This is an ongoing process. It does take time. People's love of the motor car in Jersey is a great one and it will take cultural changes to get people to look at doing their transport in different ways.

3.3.4 Connétable J. Gallichan of St. Mary:

Does the Minister consider that the lack of a large public car park, multiple-storeyed perhaps, on the north-west outside of town contributes greatly to the vehicles travelling through town, down Midvale Road, through Bath Street, seeking car parking and, if so, will he be pressing for that solution?

Deputy E.J. Noel:

I would want a series in an ideal world. One, I would want an actual proper ring road, but secondly, I would want the car parks to be around that ring road to encourage people to walk from there into the centre. There is one site that will be coming available in the coming years and my preference would be to trial it as a temporary car park and that is the old police station, the old Rouge Bouillon school site, to use that as a temporary solution for car parking in that area and to see if that helps alleviate the issues. If it did then consideration could be made for creating a car park there that had greater capacity, be it a multi-storey or otherwise. But we are looking at, with the private sector, providing a multi-storey car park on the eastern side of town. We have had discussions, although briefly, with the Constable at his request to consider an underground car park, under People's Park with the park going back on top. It was the Constable's suggestion, not mine. So we are trying to alleviate the need for motorists to drive through our town.

3.3.5 Deputy G.P. Southern:

For the first time today the Minister has mentioned the population as a cause of infrastructure problems and increased demands in infrastructure. Will he therefore be pressing the Chief Minister and the Council of Ministers to come up with a permanent population policy, migration policy, in order that stresses on his Infrastructure Department are relieved?

Deputy E.J. Noel:

We need a population policy that balances the needs of funding our society and our demographics. We need to maintain that ratio as close to it as we can to those that are in work and those that are retired and out of work because it is affecting those predominantly that are in work that pay our taxes in the whole and therefore that balance is a fine one.

3.3.6 Deputy G.P. Southern:

Was that a yes or a no? Will he be pressing the Minister?

Deputy E.J. Noel:

The population is a complex matter. It cannot be answered in a yes or no question, particularly not from Deputy Southern, if I may be a bit cheeky. We do need to maintain our working population to be able to provide that basis of income to the States to fund the services that we need to provide.

3.3.7 Deputy S.Y. Mézec:

Is the Minister aware that the flat fare for a bus fare in Guernsey, which is run by the same company as Jersey, is precisely 50 per cent of what it is about to be in Jersey, plus they also have free parking in St. Peter Port. So would he acknowledge that there are alternative ways to affect problems with traffic rather than simply trying to make everything more expensive for everyone and that you can change behaviour by making things cheaper for people as well? Would he agree to investigate this as a potential alternative to his policy in every arena of life, which seems to be to just make things more difficult for people with less money?

Deputy E.J. Noel:

To compare the Guernsey bus service with the Jersey bus service is comparing apples and pears. Yes, they both provide a bus service but they are completely different ... the risks are completely differently allocated. In Guernsey their subsidy is substantial per head of population. Ours is not to be sniffed at either but they are very, very different animals. In Guernsey I believe that the buses are owned by the States of Guernsey, ours are not. We do not have that type of investment. So they are not comparable.

The Connétable of St. Helier:

I would like to thank the Minister for his answers to questions which have ranged widely over the subject of transport policy, which of course has given him a lull in the fighting this morning. I will certainly be happy to pass on his invitation to Jersey in Transition to meet him and his officers. I cannot really turn that into a question, Sir.

3.4 Deputy S.Y. Mézec of the Minister for Infrastructure regarding the factors taken into account when deciding what constitutes a “responsible employer”:

In the context of outsourcing Infrastructure jobs to the private sector, could the Minister explain what factors are taken into account when deciding what constitutes a “responsible employer”?

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

We have made a commitment to the unions and to staff to stress the importance of third party contractors being a responsible employer within the tender process. The evaluation criteria within the tender process will reflect this intention and reward those who can demonstrate that they are a responsible employer within the tender evaluation process. We have defined a responsible employer as an employer who can demonstrate a track record of compliance with employment legislation, is committed to the delivery of appropriate training and development of skills as befits the role, has policies and processes consistent with the responsibilities that they have as an employer under the relevant legislation, uses terms and conditions of employment appropriate to the sector that they are operating in and, finally, it is not reliant upon the need for employment of licences to fulfil the services that they are tendering for.

3.4.1 Deputy S.Y. Mézec:

I thank the Minister for his answer there. Could we therefore seek to get an undertaking from him, that he will not be outsourcing jobs to firms which pay below the living wage and therefore requiring taxpayers to essentially subsidise them further, that he will not outsource to firms which will take people from full contracts to zero-hours contracts, where you could cause a huge amount of disruption to their lives and their careers, and will he also give an undertaking not to outsource

jobs out to firms which will give their workers a reduced entitlement to things like sick pay and holidays because those things, which I think many of these workers who are worried about their futures would consider much more important than whether we are simply going for a firm which ticks the boxes of basically doing what is legal already and nothing else?

Deputy E.J. Noel:

Doing what is legal already or nothing else is not on the cards. What they need to do is to demonstrate that they will invest in their staff. They will provide training and they will not be reliant on getting additional licences from the Government to fill those posts.

Deputy S.Y. Mézec:

That was not anything even close to an answer to my question there.

The Bailiff:

That is a matter for Members.

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

Once the living wage for Jersey is established and calculated, will the Minister undertake to commit to joining the Living Wage Foundation and ensuring that all of his outsourced suppliers are being paid a living wage once it has been established? Would he commit to becoming a member of the foundation?

Deputy E.J. Noel:

I do not have the exact figures but I believe the States of Jersey, if we were compliant with the living wage amount, and whatever that may be because there are different ways of calculating it, that we would pretty much be almost 100 per cent compliant. There would be very few States employees that earned less than that currently on an hourly basis. I may be wrong but that is certainly my recollection from when I was on the States Employment Board. I will certainly look at the membership of that body from maybe ... I do not believe that a department can be a member of that body, but if merely the States Employment Board, but I will look into that to see if it has merits.

3.4.3 Deputy A.D. Lewis:

What I was talking about really was the suppliers because within the Living Wage Foundation remit it is suppliers that also need to be paid a living wage and it is quite relevant with the outsourcing of services to independent suppliers.

Deputy E.J. Noel:

It will be one of the factors - and I say one of the factors - that we may or may not consider if we do decide to outsource services. That final decision has not been made yet and we have many processes to go before that decision is made.

3.4.4 Deputy K.C. Lewis:

Yesterday morning, I attended a Scrutiny meeting in the States Building here. Walking down Colomberie I happened to notice a gardening contractor working for Housing presumably with a very loud petrol driven strimmer. The gentleman concerned had no safety equipment whatsoever, no safety clothing, no safety helmet, no eye protection, no ear protection. Is this the road we are now travelling down?

Deputy E.J. Noel:

I hope Deputy Kevin Lewis contacted the Social Security Department to report that incident because if they were activities undertaken without the appropriate safety issue that is of great concern and is something that I am sure the Minister for Social Security would want the information on. So I urge Deputy Kevin Lewis to provide that information to the Minister for Social Security.

3.4.5 Deputy M. Tadier:

Does the Minister accept that when it comes to these kind of responsible employees, the States does not have a very good record or rather his ministerial colleagues, we know that the Minister for Economic Development has no problem in signing a contract with Condor which uses a practice called “social dumping”, where they use staff from Eastern European countries and pay them much less than the minimum wage that is available in Jersey. Will the Minister give an undertaking to make sure that when he puts these new policies through in his department that it extends throughout the whole of the States so that we do not see such nefarious practices being carried out by ministerial government?

Deputy E.J. Noel:

Perhaps Deputy Tadier did not hear what I said in the answer to his colleague’s question. We are going to ensure that any private contractor that takes on contracts from the Department of Infrastructure is not reliant upon the need for employment licences to fulfil the services that they are tendering for. Therefore the situation whereby they would be using labour from outside of the Island and ... I cannot remember the term, something dumping, that the ... social dumping will not be applicable.

3.4.6 Deputy M. Tadier:

That is understood. It was merely by way of analogy to say that there are practices going on in other areas of government where clearly social and moral considerations have not been taken on board. But does the Minister accept that in that list he gave earlier he did not mention pay or terms and conditions, and secondly, he did not give any indication of whether or not contracts would be given to non-locally owned businesses whereby essentially tax revenues, which could be ending up in Jersey, would not be ending up here? Does he consider that those 2 areas need to be added to his list if we are to have a meaningful and responsible employer relationship?

Deputy E.J. Noel:

I am a bit concerned by something that Deputy Tadier said there. He appeared to infer that unessential employment practices were currently taking place within the States of Jersey. I believe that is definitely not the case. The States Employment Board is very much a responsible employer so I do not believe that those services that Deputy Tadier mentioned are taking place. We will make sure that any contracts that we give, and we do currently give many... Jersey Property Holdings currently does effectively use third party contractors for its work. It does not have any direct labour at all. So we already do manage such contracts and ensure that those firms are acting in a responsible way when carrying out work on behalf of the States of Jersey.

3.4.7 Deputy G.P. Southern:

Will the Minister come clean and admit that pay and conditions for an outsourced worker are a matter of indifference for him and that what he is engaged in is a race to the bottom in terms of workers’ terms and conditions with its outsourcing policy? Will he accept that the major reason why he can talk about contracts which did cost £160,000 and costing £90,000 is merely because standards might be the same but payment to the workers have been cut to the bone?

Deputy E.J. Noel:

I do not know about being cut to the bone. What is certainly unlikely to be the case is for there to be such an employer pension scheme that we currently have within the States of Jersey, and that is one of the major differences between the funding of the 2. Sorry, I have forgotten the rest of Deputy Southern's question, would he like to repeat it?

Deputy G.P. Southern:

How much of a saving that he keeps referring to from £160,000 to £90,000 is made up by a reduction in pay down to the minimum wage or thereabouts?

Deputy E.J. Noel:

Undoubtedly, it is virtually all going to be staff-related costs.

3.4.8 Deputy S.Y. Mézec:

As is common practice for many of the Ministers in the current Government, with my first supplementary question there was no attempt to make the slightest effort to answer it, so I have to use my second one to simply ask it again.

[10:30]

That question is, and it is for the benefit of Hansard so that we can hold him to account on this later, and for the people whose lives end up being ruined by his immoral and unmandated policy which he is pursuing, can he give an undertaking that the jobs which will be outsourced to private firms want the criteria, which will constitute a responsible employer, will include among them whether they pay the living wage or not, whether zero-hours contracts will be used when currently proper contracts are in place, and whether there will be a reduced entitlement to sick pay and holidays? Will the conditions of these working people be considered or will he be, as Deputy Southern has referred to it, indifferent as many of his other ministerial colleagues are, when they do the same thing? For the benefit of Hansard so we can hold him to account in future please.

The Bailiff:

Minister, one moment while you are thinking about your answer. Deputy, would you please withdraw the suggestion the Minister acts immorally? I think that is going too far.

Deputy S.Y. Mézec:

I disagree, Sir, I think it is a political point and I am perfectly entitled to believe that a Government is pursuing a policy which is immoral. That is a political point, I will not withdraw that.

The Bailiff:

Are you imputing improper motives to the Minister?

Deputy S.Y. Mézec:

No, Sir, morality is subjective. It is my personal view, given my personal values, my personal political views, that certain policies to be pursued can be either moral or immoral so I will not withdraw that. That is what I believe and I am not withdrawing it.

The Bailiff:

Very well.

Deputy E.J. Noel:

I would just like to comment on Deputy Mézec's definition. I agree it is a personal view and I take a different view. I do not believe that what we are doing is immoral. I believe what we are doing is the opposite and we are trying to work with our staff, and particularly those that will become

affected, to ensure that the impact on their lives is as least worse as possible. I am very much aware that we are dealing with people's lives and it is not easy. I have worked in the private sector. I have had to dismiss staff for inappropriate behaviour or when things have gone wrong. This is different. These people have not done anything wrong. They do serve their Island day-in, day-out but unfortunately we are in a situation whereby we do need to save money to be able to invest in key areas such as health and education. It is not a Utopia. We cannot carry on just increasing taxes to pay for those services because there is a very narrow base of people who do pay tax in this Island. With that, the undertakings that the Deputy is seeking from me I am not able to give. It is not Government's position to enforce on the private sector the terms and conditions that the Government may wish to use for themselves. This is for the private sector to work within the legislation that this Assembly brings into force and that is simply the case.

3.5 Deputy G.P. Southern of the Minister for Infrastructure regarding the timetable for the implementation of the outsourced provision of cleaning and gardening services:

Can the Minister advise whether it is the intention for the new outsourced provision of Department of Infrastructure cleaning and gardening services to be in place by September 2016, which was the original target, or if the date has changed and if so what is the new timetable?

The Bailiff:

This question was only about the date, Minister.

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

Let us be crystal clear here. A decision has not been made on whether to outsource these services. Formal consultation with the unions started in December and employee consultations will commence shortly. September 2016 was used last year as an indicative date. This date was suggested to coincide with the gardening works undertaken for the schools at the commencement of the school year. Again, I repeat for the avoidance of doubt, the decision to outsource has not been made and as yet it is subject to the completion of the service we use, the union and employee consultation programme, the pre-qualification questionnaires and ongoing process. It is recognised that this process is very difficult for all involved, especially the uncertainty of not knowing one's future. Officers are ensuring that all employees are being treated with respect and dignity. If I could give Members some examples of where we are providing support to the staff, and they include union and employee consultation programmes whereby they can provide feedback and alternative suggestions to how the services can be taken forward and mitigate redundancies. We are providing up-to-date information through team briefings. We have held drop-in events where they can ask questions of Human Resources, Social Security, Pensions and of Jersey Business. We are issuing staff new letters for all employees to keep them up to date of progression and we are working collaboratively with the Ports of Jersey, Andium, other States departments and the Parish of St. Helier to ensure that these services are run as effectively and as efficiently as possible.

3.5.1 Deputy G.P. Southern:

The question still remains, when will this review of these services be complete and when does he intend to bring something to this House in order to complete this outsourcing project? Will it be this year or next?

Deputy E.J. Noel:

I have already said that it is an ongoing process. The service reviews have to be completed. The consultation with the unions and the individual consultations with the employee programmes need to be completed. The whole P.Q.Q. (Pre-Qualification Questionnaire), I.T.T. (Invitation to Tender), and the whole tendering process needs to be looked at. There is no end date. It is an

ongoing process. What we need to do is by the end of 2019 have reduced our costs by some, I repeat, £4.6 million on a year-on-year basis.

3.5.2 Deputy S.Y. Mézec:

The Minister mentioned the union consultation and suggested that it provided an opportunity for those Members to relay their concerns and suggest alternatives. Is he aware that the union has no faith whatsoever in this process and considers it a box-ticking exercise for no purpose other than to legitimise what the Minister is trying to do for political reasons and would he therefore understand that the workers who are concerned by this have no faith in this process whatsoever?

Deputy E.J. Noel:

I have to admit to Deputy Mézec that I am not aware of the unions' views on this. They certainly have not expressed that they believe that this is a box-ticking exercise. There was one letter I recall from the head of the union. It certainly is not a box-ticking exercise. We are working with the unions through the appropriate process. This is a process driven activity and once we have finished the process with direct consultations with the unions and the service areas have been reviewed we will be working with individual employees through one-to-one meetings, *et cetera*, and for group meetings to understand if there are other ways that they can suggest that we can mitigate the circumstances and avoid any compulsory redundancies and that is exactly what we are doing.

3.5.3 Deputy S.Y. Mézec:

Supplementary. The reason that I used the phrase "box-ticking exercise" is because it happens to be exactly the phrase used by the union's regional officer when in discussions with the Minister for Infrastructure's chief officer. So my question to him then is, does he talk to his chief officer about this or has he simply given him free rein to do what he wants? Would he not think that given that these are people's jobs and livelihoods at risk that he might take a more involved approach at this so that he can understand the issues these people are facing and perhaps take a more compassionate political approach?

Deputy E.J. Noel:

I am in daily contact with my chief officer and I am involved in the process at the appropriate level, and that is all I can say. This is a detailed programme. Perhaps Deputy Mézec would like to come up to the department and we can take him through the detailed process. In fact any States Member is welcome and we can take you through the detailed process that we are going through.

3.5.4 Deputy M. Tadier:

The Minister said that no decision regarding outsourcing had been made. So if that is the case what is the alternative if the outsourcing does not end up happening? Has the Minister got a Plan B to make his £4.6 million without outsourcing or privatising jobs in his department?

Deputy E.J. Noel:

Simply put; no, we have not. We have already harvested the low-lying fruit over a number of years and we are now left with ... if we are to maintain services to the public, the only way we can do that is to do it on a cost base in terms of staffing that is less.

3.5.5 Deputy M. Tadier:

Does the Minister not accept that his position is not tenable or realistic? There will be members of staff listening possibly to this or hearing later on. The Minister is saying that it is not a done deal but we do not have an alternative if this does not happen. Does he not recognise that that is not sustainable and it is also highly irresponsible to not have a position for something which is not a

done deal, and should he not go back and make sure that he does have alternative provisions otherwise it smacks of complacency in the fact that this is a done deal?

Deputy E.J. Noel:

It certainly is not a done deal. There is no complacency here at all. If we are unable to make our savings targets we will miss our savings targets. That will create an issue within the M.T.F.P. One potential solution would be to increase our user pays taxes or user pays charges but it is certainly that without stopping doing something we will not be able to make those targets. We are already down to the bone in terms of the infrastructure spend that we spend on our roads and our sea defences. We would have to stop doing something to be able to make the £4.6 million in savings that we are not currently pursuing.

3.5.6 Deputy J.A. Martin:

The Minister said, if they get to the point, that there is going to be in-depth employee consultation with everybody across the board. At one point he did mention Social Security Department. So for the questions that we are even here today, question 2 could be answered. Question 4 could be answered. This question could be answered if the Minister will just say he will get Social Security down to see the impact on these workers' lives. The Minister has admitted Deputy Southern may be saying flippant figures but he is in the position to find out and know. He might be saving £4.6 million and they are running down to La Motte Street and the Minister for Social Security is picking up £3 point whatever million. He should commit to do this when he is doing this in-depth consultation. It is not rocket science. Ministries working together and finding out who will be picking up this tab at the end of the day.

The Bailiff:

And the question, Deputy, was?

Deputy J.A. Martin:

The question was: will the Minister commit to bringing in Social Security and speaking individually to his workers that he may be outsourcing?

Deputy E.J. Noel:

Deputy Martin has probably got a bit excited there and probably did not hear what I have said previously this morning, is that we already have had Social Security come in with our drop-in sessions with individual workers to go through their individual circumstances to find out what their positions would be should they lose their job for whatever reason from the public sector. So we are doing that and it is also part of the ongoing process as and when we identify individual members of staff that will be affected by the outcome of the service review.

3.5.7 Deputy J.A. Martin:

Well, then the Minister should have answered yes to the Deputy of Grouville's question. In-depth social survey studies, exactly what the Minister has described, but he told us earlier he is not doing it. Which is correct?

Deputy E.J. Noel:

Both are correct because what we are talking about here is individual circumstances not the social economic impact.

3.5.8 Deputy G.P. Southern:

Since I cannot pin him down on any timescale for developing and finalising this outsourcing scheme, when the Minister has agreed an outsourcing scheme for cleaning and parks and gardens

will he bring to the States a full analysis of the business, social and economic case for approval by the States when he has decided what he is going to do?

Deputy E.J. Noel:

I am quite happy and prepared to issue a report to the States showing the outcome of the journey that we have been on, and I am sure the Chief Minister will ask the States Economist to do something similar on a social economic outcome but I am not going to bring this back to the States for a States debate. This is ‘business as usual’ in providing our public services. We have been set a target to achieve by the end of 2019 and that is what we are going to do.

3.6 Deputy A.D. Lewis of the Minister for Infrastructure regarding the use of States’ property assets:

If I could change tack slightly. The Minister is a popular man for different reasons today. I would like to ask the Minister, can he advise why States property assets such as Fort Regent Swimming Pool, Piquet House, La Folie Inn and St. Martin’s School, to name but a few, have not either been refurbished, leased, sold, disposed of or put to alternative use? Can he reassure the public that not capitalising on such assets is in the best interests of the public purse and in full compliance with Property Holdings’ remit?

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

Firstly, may I sincerely thank Deputy Andrew Lewis for his question?

[10:45]

It gives me something different to think about for 5 to 10 minutes. I agree with the Deputy that this is important; that the public realises best value from its property assets. This may be by maximising their financial value or using them in the most effective way in delivering services. The Deputy provides some interesting examples and I would like to address them one by one if I may. Fort Regent Swimming Pool: this building has been boarded up since its closure and is a blot on the landscape. The Deputy may recall that as chair of the Fort Regent Steering Group I brought forward proposals to redevelop the Fort including the pool. The necessary funding was not supported for inclusion in the current M.T.F.P.2’s capital programme. My department does have funds to demolish the pool but without a planning application for an alternative development to do so we would risk losing the site. I look to the current Fort Regent Steering Group to develop proposals and to enable this to be moved forward and can confirm to them that we currently do have the funds to be able to demolish the swimming pool. Piquet House: I agree that this property should be sold and it almost was until this Assembly decided otherwise. But never daunted we are in discussions with the Royal British Legion and I hope to bring forward a proposal in the near future in this regard. With regards to La Folie Inn, again I would love to see the site redeveloped. This site has never come under the administration of Property Holdings and I am sure that the Ports of Jersey, as the owners, will come forward with proposals in due course. As regard to St. Martin’s School, I can only assume that the Deputy means the former school and not the excellent replacement which has recently been constructed. I would suggest that the Deputy raises this matter with the Constable of St. Martin as the building belongs to the Parish.

3.6.1 Deputy A.D. Lewis:

I guess my main concern here is that when a project begins, such as new school, a new police station, a new swimming pool, there does not seem to be a plan to deal with the asset that you are leaving. So is it within the remit of Property Holdings to properly manage our biggest asset, our £3 billion asset of our property portfolio, because this, to me, does not look like good management. You have a plan and within that plan surely there must be a plan to reuse the property that is being

vacated. So, for example, with the police station is there a plan already in place before you even got planning permission for the new police station to do something with the old site? That is what concerns me, is managing the assets well and it does not appear to me that that is happening.

Deputy E.J. Noel:

The short answer to that is yes. We have the Long Term Capital Programme and we have a policy within Property Holdings to do exactly what Deputy Andrew Lewis is suggesting. For us it is business as usual. With regard to the Police Headquarters site, the old site, from day one we had the vision of the Summerland and the Ambulance Station becoming part of social housing. We had a vision. On the other side of the road for consolidation of the Fire Service and the Ambulance Service with the freeing up of the Old Rouge Bouillon School site, which I have already indicated this morning. I would see that being used as a temporary car park to see if that helps the traffic situation in that part of town and if it did then perhaps we could invest in a more substantial car park in the future. So, yes, we do look at the use of a site before it becomes vacant, working with the incumbent department that has that property. We only can react when we are advised by departments that they are thinking of leaving a particular facility or wish to move on to another one and that is when we start the process of finding alternative uses.

3.6.2 Deputy S.Y. Mézec:

I spoke to Deputy Lewis before and we agreed that one building that could very easily have been on this list but was not was the Le Seilleur Building by the Town Park. Given that Property Holdings has demonstrated itself to be an incredibly poor custodian of some of these potential assets on behalf of the public would he agree with me that in the case of the Le Seilleur Building, when so much opinion among not just the elected representatives but of the residents are in favour of handing that building to the Parish of St. Helier so that it can be turned into a community centre to complement the wonderful town park and serve the most densely populated part of the Island? Now that is a scheme that should be considered rather than his, frankly, bizarre scheme to turn it into upside-down flats there with the sleeping quarters down at the bottom in an area where there is potentially anti-social behaviour. Would he accept that that would be a good policy to pursue and, more generally, that these sorts of scheme should be considered in other Parishes where it is appropriate?

Deputy E.J. Noel:

If that building was truly owned by the States in terms of our normal operation of buildings I would tend to agree with Deputy Mézec. Unfortunately that building is owned by a trust of which Health and Social Services are the trustees. We have an obligation. We administer that building on behalf of the trust and they have an obligation to achieve best value out of that building. So the current planning application that is in the planning application process currently is to agree a baseline valuation on that so the site can be sold. It may be sold to the Parish but the Parish will have to buy it at market rate because there is an underlying trust and the trust has to get best value for its trust assets. We have tried to sell that building a number of times before and again this Assembly has blocked it. The most recent time that we tested the market, because of the planning restrictions on it and because there was no actual underlying planning consent, the offers that were being received were substantially below £100,000. By getting a planning application approved on that building we can probably increase the value of that site 5-fold and that is something that we have to do on behalf of the trustees of that particular building.

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

Despite the new St. Martin's School opening its doors to pupils in September 2015 would the Minister confirm that the former St. Martin's complex was only returned by Property Holdings to its owners, the Parish of St Martin, on 15th January this year and that the Parish had to

immediately, within 3 weeks, commence considerable refurbishment work on the school house in order to make it habitable for a new tenant by the end of April 2016 when it is proposed to be occupied?

Deputy E.J. Noel:

I cannot disagree with the Constable there. That is factually correct. We took back those properties from Education on completion of the new school and them vacating that building and the old schoolhouse which had not been occupied in a way that perhaps one would have hoped, meant that it needed modernisation. It had not been modernised for a substantial time including replacement kitchens and bathrooms.

3.6.4 The Connétable of St. Martin:

Can I have a supplementary? I hope it is not too remote - and I hope not – from certain aspects from the question from Deputy Lewis, but can the Minister confirm he is aware that the Parish undertook a full public consultation with every parishioner in the Parish of St. Martin during the summer of 2015 seeking the parishioners' aspirations for the use of the complex and that we are now going forward with the propositions as a result of what the public wanted.

The Bailiff:

Well, that is a very good speech for what St. Martin is up to but not a matter for the Minister.

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

I would like to pick up on 2 points made by the Minister all on the theme of efficiency. The Minister made reference to the Royal British Legion expressing an interest in Piquet House. If my understanding is correct, they were expressing an interest one or 2 years ago. So the question, part 1 on that, is how come it has taken so long? The second part is all linked; the Minister, in an earlier question, said that the departmental business plan was around, was available, but it would take 3 months to put it online. How do both these examples, which should all be run-of-the-mill, demonstrate efficient government?

Deputy E.J. Noel:

Piquet House; yes, we were approached by the Royal British Legion a number of years ago. They were in the original ... they inspected this when we originally tried to sell the property to another body. Since then we have been approached by a number of States departments to see if they had a desire to use the building as well, hence the delay, because our first remit is, if there is an in-house States use for a property; we look at that first. We have had a number of iterations with other departments, including what was the former Tourism when it became Visit Jersey, and that was quite a long drawn out process too because of the change from department to Visit Jersey. We also had other States and non-States departments' uses for that building which we had to look at. I am happy to confirm that we have a really good working relationship with the Royal British Legion and hopefully I will be able to bring forward a proposition in due course to this Assembly to get the Assembly's approval to dispose of that building to the Royal British Legion.

Deputy J.A.N. Le Fondré:

So I will follow up? The Minister did not answer the second part, which is why has it taken 3 months to put something that already exists online?

The Bailiff:

He answered that earlier. He said it is changing.

3.6.6 Deputy R. Labey of St. Helier:

Are there any imminent plans for an alternative use for the vast amount of empty space at Howard Davis Farm and would he agree that a sensible alternative use for the vast amount of empty space at Warwick Farm would be the new hospital?

Deputy E.J. Noel:

Howard Davis Farm is being used currently by the Environment Department and we are working with the Environment Department to see whether or not they could get the whole of their department up at Howard Davis Farm and vacate South Hill for redevelopment. That is an ongoing process. The rest of Howard Davis Farm is let out to third parties to some extent but we are restricted on that site about what activities can take place there because there is a covenant. With regard to Warwick Farm, that was one of the 40 sites we looked at for the new hospital and it is something that I am sure that may continue to be looked at in the near future.

3.6.7 Deputy D. Johnson of St. Mary:

As Members are aware, Jersey Property Holdings has only recently been transferred to the Minister for Infrastructure and correspondingly this Scrutiny Panel has not had the opportunity to investigate things as fully as they might; not helped by the changes in the panel itself. At the recent public hearing the Minister did agree that we should have, very shortly, a presentation related solely to Jersey Property Holdings. Would he please confirm that in advance of that hearing he will provide to the panel details of all properties, including and especially those currently unoccupied, and any plans in connection therewith?

Deputy E.J. Noel:

Yes, I am happy to do that. It is information that in the past we have distributed to all States Members but I am certainly willing to do that for the Scrutiny Panel.

3.6.8 Deputy A.D. Lewis:

It would appear that maybe the Parish of St. Martin might do a slightly better job than Property Holdings. I am quite concerned as to how often there are significant delays in the completion of or letting or doing something with our buildings. The Minister mentioned South Hill. How many years have been spoken about vacating the South Hill site? How many years has the Fort Regent site been talked about and not had anything done to it?

The Bailiff:

Two questions are enough.

Deputy A.D. Lewis:

Okay. Does he believe ...

The Bailiff:

Deputy, you have already had 2.

Deputy A.D. Lewis:

Can I finish? Does he believe that Property Holdings is fit for purpose in managing our significant property assets?

Deputy E.J. Noel:

In one word, absolutely.

3.7 Deputy J.A. Martin of the Minister for Infrastructure regarding the number of meetings held with employees of the Department for Infrastructure and the Unions about proposed changes to service provision:

How many meetings have been held with employees of the Department of Infrastructure and the unions representing them about the proposed changes to service provision and what agreement, if any, has been reached regarding the principle of outsourcing and the way forward?

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

In addition to the regular staff team briefings and the weekly senior management meeting with the fulltime Unite the Union Works Convenor the department has engaged with its staff and with unions over the proposed changes to service provision in the affected areas by several methods. We have undertaken to communicate as much as possible with staff and with unions such as the chief officer briefings to all staff in the department in December giving the staff the vision for the future of the department and doing that for all staff. Over a dozen of these presentations were provided to ensure that everyone had an opportunity to attend across a multitude of sites. In January and February drop-in sessions for affected staff were set up providing an opportunity for staff to discuss on a one-to-one basis issues such as voluntary redundancy and other options with specialists covering pensions, income support, business set-up and any other H.R. (Human Resources) issues. These drop-in sessions were attended by approximately 100 employees and were considered to be very beneficial by the staff concerned. Individual section briefing meetings also took place in February with Parks and Gardens and Cleaning Services staff by senior managers. Additionally, 5 staff update newsletters have been issued to all staff commencing in December with the most recent being only last week. Furthermore, 2 formal consultation meetings with senior officials and the unions representing affected staff. These commenced in January and are scheduled to continue on a monthly basis throughout 2016.

[11:00]

To confirm yet again at this stage no formal ...

The Bailiff:

You have just gone past your 90 seconds that you should have answered this question within.

Deputy E.J. Noel:

I apologise.

3.7.1 Deputy J.A. Martin:

Supplementary. Can the Minister pinpoint exactly then what is being discussed with the unions when the Minister himself, only 2 questions ago, said he has not even decided to outsource. So what is it? Is it just a meeting, jolly having a chat that this might happen, or are they discussing the terms and conditions of his workers when they outsource and not if? As the Minister already said, there is not a Plan B.

Deputy E.J. Noel:

The terms and conditions for those staff that move on into the private sector will be a matter for them and their future employers. It is not a matter for the States Employment Board or indeed my department.

3.7.2 Deputy J.A. Martin:

I never asked about moving on. I was asking, what were the discussions you, the Minister, or the officers were having with the unions. Is the Minister clear when they have these meetings because I am not? After this morning I am completely confused.

Deputy E.J. Noel:

The meetings between the unions and senior staff along with employee relations cover all aspects of what we are trying to achieve with the service reviews and discussions of the actual process. I do not attend those meetings. It is not appropriate for States Members to attend those meetings. Those are meetings between Employee Relations and the department and the union. So the detailed discussions I am not privy to.

3.7.3 Deputy S.Y. Mézec:

In response to one of the questions from Deputy Martin, and also one earlier from myself, the Minister said that the pay and terms and conditions that these workers will have in the firms to which they are outsourced to is not a matter for his department; it is a matter between them. How can he possibly say that with a straight face when he also says that one of the criteria that they will be looking at is whether they provide training opportunities to these workers? If they can come up with criteria for the firms to outsource to why cannot pay and terms and conditions be one of those? Is it not just a case of the Minister not particularly being bothered because he wants to save as much money as possible regardless of the impact this has on these people's livelihoods?

Deputy E.J. Noel:

This Assembly sets the ... whenever the Assembly takes advice on the setting of the minimum wage and we do it ... so that is the appropriate forum for that part of the Deputy's question. When shortlisting or looking at third party contractors there are a number of issues that we look at but primarily it is the quality of the service that is being provided that is the most highest weighted, not necessarily the cost of the contract. So moving forward if we do decide to outsource some or part of our services then we will be ensuring that the quality of those services is not diminished.

3.7.4 Deputy S.Y. Mézec:

Supplementary. So can we confirm from this Minister then that to all of those workers who are worried about the future of their careers now, who may be listening in on this or who may check the Hansard afterwards, that they know that the Minister, who is responsible for their future, will not say anything whatsoever on the future quality of their pay and terms and conditions and that on this particular cause he is not their advocate. In fact because he is not advocating on their behalf on this particular point then they can consider him an adversary because what they need is a Minister who is prepared to stand up for them. Would he confirm whether or not that is the case?

Deputy E.J. Noel:

I feel what our staff need, sooner rather than later, is certainty. They need to know what their future is going to be and we are working with the unions and with staff to conclude the service reviews and all the ancillary processes that need to take place prior to making a final decision but we need to do that as quickly as we can but we do need to follow the correct process. What is unacceptable is for that process to get dragged out for other reasons, and I am certainly not going to be tolerating that. Staff need to know what the future holds. I intend to ensure that that happens as quickly as possible.

3.7.5 Deputy G.P. Southern:

Thank you, Minister. Among the extensive lists of meetings and briefings how come the department has failed to give notice to its employees that the day before ... sorry, until the day after tender or pre-tender bidding had been advertised in the paper? Was that the actions of a good, caring employer?

Deputy E.J. Noel:

My chief officer has already, through a newsletter, written to all staff apologising for that slight delay. It was one of those things that was an oversight, an unfortunate oversight, and it occurred due to both himself and myself being distracted by other matters which we may be coming to later.

3.7.6 Deputy J.A. Martin:

It may be better, I think, if the Minister could circulate the meetings that have been with the department and the unions, not the employee who is a member of the union on his staff side. Could he circulate a list and keep us updated with that list please?

Deputy E.J. Noel:

I am happy to do so.

3.8 Deputy M. Tadier of the Chief Minister regarding the proposed outsourcing of jobs at the Department for Infrastructure:

Given that the Chief Minister stated in his election manifesto that he wished to continue to work towards a community where everyone feels valued, welcomed, treated fairly and has a future, can the Chief Minister, as chairman of the States Employment Board, advise whether the proposed outsourcing and privatisation of certain jobs at the Department of Infrastructure is in line with these principles?

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

It is precisely because of these sentiments that the Council of Ministers has prioritised health, education, St. Helier and jobs and growth; key priorities for a community where everyone is valued. All this must, of course, be supported by sustainable public finances in line with the advice of the Fiscal Policy Panel and the Department for Infrastructure is playing its part. They will save £4.6 million, which can only be achieved by a fundamental reshaping of their services. As part of this they are conducting service reviews and market testing to determine how to achieve the savings needed and consulting before any decisions are made as to whether services should be outsourced.

3.8.1 Deputy M. Tadier:

Could the Minister also advise whether he remains committed to reducing income inequality in our Island and if so how does this compare with the words spoken only this morning by his fellow Minister for Infrastructure who, under collective responsibility, presumably shares the Minister's policies, when he said that the likelihood was that these jobs that these individuals would go to if they could find jobs would pay less? Does he agree that the avenue being pursued by his Minister for Infrastructure and his Council of Ministers will create more income inequality in our Island and as such it breaks that pledge and the pledges he made when he stood for election?

Senator I.J. Gorst:

I know the Deputy would like to conflate a number of issues but he knows that issues relating to income inequality are far broader than just one particular section of a department which is looking at reforming the way that it provides public services, and that during this process is undertaking service reviews and it will get to delivering and developing a detailed business case. There are further questions that I will be answering on that later this morning. It is not right to try and correlate those 2 things. When it comes to income inequality and the income distribution service area I have answered lots of questions in that regard. Our policy is not about the differential between those who have great wealth and those that do not. It is about raising the standard of living of the poorest in our community.

3.8.2 Deputy S.Y. Mézec:

Since the beginning of this term of office the Chief Minister has led a government which is cutting supports and benefits to some of the most poorest and vulnerable members of our community, many of whom already live in disproportionately large levels of relative low income. So my question to him is: would he feel valued and looked after by this Government, and in particular this Chief Minister, if he was a single parent who is seeing that their income support is being cut by £2,000 a year over this term? Would he feel valued if he was somebody who suffered from a disability and was on long-term incapacity allowance who was seeing their support cut week by week, and would he feel valued if he was in a family which was having to pay a higher level of tax under his leadership through the health tax and the waste disposal tax, none of which he had the good courtesy to put in his manifesto instead choosing to put, frankly, these vacuous platitudes?

Senator I.J. Gorst:

I am not sure which question the Deputy would like me to answer but I will certainly have a stab at them all. This Government, as like the previous Government, have prioritised trying to get people into work because it is that job that is going to raise people's income levels. It is a job that is going to give people family incomes and sustain them into the future. It is a job that is going to give them hope for the future and create the community that we are trying to create. The Deputy knows that the proposals in the Medium Term Financial Plan were about maintaining the levels of income support at the level of spend in 2015. The Deputy knows that income support levels have risen from 2011, at around £60 million, to over £80 million. The Deputy knows that that is not sustainable and we are about producing sustainable budgets for the long term while at the same time investing in getting people into work, investing in a sustainable future health service, investing in education which is going to enable people to reach their full potential into the future. Investing in economic growth so that jobs can be maintained and created in our economy and investing in St. Helier. I believe that that is the right policy and not the comments that the Deputy is making, tinkering around the edges.

3.8.3 Deputy S.Y. Mézec:

Supplementary. How I wish we had the T.V. (television) cameras installed in this Assembly already so that the public could hear further platitudes from this Chief Minister. Would he not agree that when he is cutting support to these individuals, because it is fine to talk about statistics, we all know the saying about in what form statistics come. People are seeing their standard of living going down under his leadership. All of the statistics back that. He is cutting support for single parent families by £2,000 a year. He is cutting support for individuals who are on disability benefit. Would he not accept that these are facts and when he stands up and has the gall to tell the electorate that he wants to create a community where everyone feels valued that frankly it is no wonder that we have the absolutely disgraceful levels of voter abstention and in statistics in polls which show how many people in this community have no faith whatsoever in his Government and his leadership? Would he not accept that he would be doing the public of this Island a favour if he just got on with it and resigned and let somebody who was competent take over instead?

Senator I.J. Gorst:

Absolutely not. The Deputy knows that the issues highlighted in the Income Distribution Survey were largely around the issues of housing. We, unlike the Deputy sitting next to the Deputy asking the question, have absolute confidence in the Minister for Housing. She is starting to get to grips. It was this Government that pushed through this Assembly rezoning of land so that we can build more houses and increase the supply. Just because the Deputy says it does not mean that it is reality just because he makes a political point. The reality is that this Minister for Housing will increase the supply and she has got plans to further increase the supply; that she is going to extend the availability of various tenures so that more people can own homes and get into home ownership

and be in suitable housing accommodation. It is this Government that has ploughed tens of millions of pounds into programmes to get people into work and they are working and they continue to work. We are seeing wages increase. We are seeing economic growth during the course of the last year for the first time. Those policies are working and we will continue to support them and ensure that they do work. Unlike the Deputy who is trying to suggest that policies that have been found not to work in the past elsewhere continues to push as suitable options.

The Bailiff:

That was exactly one minute and 30 minutes, Chief Minister. That is very good.

3.8.4 Senator Z.A. Cameron:

Is the Chief Minister concerned that by focusing attention on providing a service at the cheapest possible price the Council of Ministers is in danger of losing sight of the bigger picture of the impacts of their policy? Would he consider that there may in fact be a link between the policy of cutting costs that is in fact driving the income support benefits up and the need to invest in creating jobs elsewhere?

[11:15]

Senator I.J. Gorst:

The Minister is not focusing simply on cutting cost. He rightly is making sure that he has a sustainable budget into the future and he is reviewing the way that he is delivering services to this community and asking the question whether the current model is an appropriate one. If we look at Visit Jersey, there we have a part of government that was delivered by government. We moved it out of government. We created a new way of delivering that service and already we are starting to see the benefits along what the aims of this Assembly would be. The Minister is not simply focusing on cost and he has not said that he is this morning. He is also focusing on the service and the quality of service that will be delivered providing those services that he knows need to be provided but he is trying - and I think this surely is the right thing - to make sure that we are providing those services at the best possible cost to the taxpayer.

3.8.5 Deputy G.P. Southern:

I am so glad the Chief Minister has concentrated so much on jobs as a creator of feeling valued and having a future. I refer to up to 50 workers who have good employment with the Department of Infrastructure. They understand, now, that they are to be outsourced, likely. Some of these workers, on average, have worked for the department for an average of 27 years. They are quite elderly, unskilled workers. They have been tremendously loyal to this department and here they are being sold down the river. What future will they have? What esteem will they feel and, indeed, what will they do without a job in a number of months' time?

Senator I.J. Gorst:

The Minister has answered a lot of questions in this regard and I will be answering another question, No. 10, which will deal with some of the more detailed areas that I think the Deputy is referring to. The Minister said, and he is absolutely right, the decision has not yet been taken. The service review has been undertaken. They are in the process of putting together the detailed business plan to see if the numbers stack-up and there are a number of other social issues that rightly will be considered by the Economic Adviser in conjunction with other departments which will help the ultimate decision to be made.

3.8.6 Deputy M.R. Higgins:

I am rising because I heard the Chief Minister talking about economic growth and lauding the fact that we have had economic growth in the last year and for the previous 6 we had none. When we look over the previous 20 years it has been absolutely abysmal except for one period. Will the Chief Minister tell us, tell also the public of Jersey on the radio, what he has achieved over the last while to improve economic growth? We hear about Digital Jersey. We hear about all the other initiatives. Where is the proof it is paying off? I have heard nothing to date.

Senator I.J. Gorst:

The Deputy knows that you can pick any single number from any cycle of numbers and try and make it suggest something other than it might be over any given cycle. I am grateful he admitted that there was economic growth; absolutely, one year 4 per cent coming out of the very difficult recessionary period that the western world has been in. So the Deputy needs to look no further than the financial services industry to see that. I am forgetting now whether it was 2014 or 2015, but there is an industry that the prophets of doom, and I think the Deputy was one of those - I am not sure if that is parliamentary language - suggested it was dying, it was on its last legs, it had no future in our community. We did not accept that. We were not complacent. We undertook a jurisdictional review with some of the best advisers from across the world. They advised us of action that needed to be taken. We set up working groups to deliver on that action, not only in my department but in Jersey Finance and in the regulator and we see that is paying off. We see greater usage of our financial services. We see 400 jobs put on over the course of the last year. The Deputy said we have been losing jobs in that industry. He was wrong and he will continue to be wrong because we continue to see growth in that industry. The work that we are doing in the international arena about transparency, about exchange of information, engaging with our critics is paying off and it will continue to pay off.

Deputy M.R. Higgins:

Supplementary?

The Bailiff:

No. Thank you, Deputy. We must finish questions.

3.8.7 Deputy M. Tadier:

I think the question was originally about jobs at Infrastructure but we have managed to roam round the houses literally. Talking about housing, the Minister said the way we create more houses and create cheaper houses, better houses, is by building houses yet when it comes to investing in jobs the way we create more jobs and get more people into work is by sacking people who already have jobs, putting them on to unemployment, sending them down to Social Security and then at the same time saying: "And by the way we are cutting social security budgets because it is too big already." That does not give any hope. It does not make people feel valued. It does not talk about treating our people fairly and securing their future. So what I would like to ask the Minister is that I do not want the Minister to resign as a first port of call. What I would like the Chief Minister to do is to live up to his promises when he said that he wants people in society and people at Infrastructure to feel valued, treated fairly and welcome with a future and to rethink this policy of outsourcing, privatising, with this fear that is hanging over their heads because he has already said it is not a done deal and to find a way to restructure our finances, our tax and spending model so that we can have valued services? Will the Minister

The Bailiff:

Will you rethink your policy?

Deputy M. Tadier:

... give that undertaking to live up to the promises that he has already made?

Senator I.J. Gorst:

The Minister will not rethink his approach. He is doing it carefully. He is doing it thoroughly and he is doing it in consultation.

Deputy M. Tadier:

Point of Order, the question as to the Chief Minister. Will the Chief Minister rethink his ... would he stick to his election promises?

The Bailiff:

The question was for you, Chief Minister.

Senator I.J. Gorst:

I do not think that the approach that the Minister is taking is at odds with what was in the Strategic Plan or what was in my, as it happens, manifesto nor his manifesto. We absolutely must make sure that we transform the public service so that we can curtail the continuing growth in the cost and people employed in that service and that means we need to look and reform some of the ways that we are delivering that service. It is not only the Minister for Infrastructure that is doing that. We are doing it in my department in the delivery of I.T. (information technology). Other Ministers are doing it right across their departments. The Deputy cannot have it both ways. Saying that we can continue to spend, spend, spend and see the cost of government grow, grow, grow but it is not going to have any effect on the public either. Of course it does. There is a direct correlation. There is no free money. The money has to come from taxpayers. We have an obligation to those taxpayers to make sure that we are delivering the best value for money and curtailing what has been constant growth and the rise of the cost of government. That is what we are doing and we believe that ultimately when we have completed this plan we will have a better, more fit for service, delivering better value for money in the services that we provide to the taxpayers and to the community.

The Bailiff:

We have 20 minutes left for questions. Four questions: I am going to allow 5 minutes for each question only and that may mean that the usual supplementary rules will not apply.

3.9 The Connétable of St. Helier of the Minister for Health and Social Services regarding the monitoring and improvement of the Island's air quality:

What is being done to monitor the Island's air quality and what steps are being taken to improve it in areas where air quality is poor?

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

I thank the Constable for his question. Generally, Jersey enjoys excellent air quality which is regularly refreshed by our prevailing winds. The principle source of air pollution is motor traffic. Diesel engines are particularly polluting. Air pollution is monitored over 20 locations around the Island for several different pollutants; for example, particulates, nitrogen dioxide and a whole suite of hydrocarbons show all levels to be largely compliant within E.C. (European Community) directive limits. But under certain climatic conditions and for short periods corresponding with rush hour, 2 locations, Georgetown and the Weighbridge area show elevated levels of nitrogen dioxide produced by exhaust in queueing traffic.

3.9.1 The Connétable of St. Helier:

What steps is the Minister taking to improve air quality, the second part of my question, particularly in the areas he mentioned but also one might imagine that Beaumont, during rush hour the traffic is very congested, Longueville and of course the Ring Road? What steps is the Minister taking? Could I add to that, is it possible for members of the public to access information about air quality as they can in many other large towns and cities?

Senator A.K.F. Green:

There are only 2 areas that failed on a couple of occasions last year to meet the E.C. standards and those were the 2 areas that I mentioned before; that is the Weighbridge and tunnel area and Halkett Place. What can I do about it? The only thing we could do is to reduce the use of the motor car or to ban the use of diesel. Those are the only things that would make a difference. I have to say that it was only on a couple of occasions last year, and we have had no failures so far this year, that those 2 sites failed to meet the required level. There are 20 sites that we are monitoring. I am just going to check whether Beaumont is one of them when I sit down briefly in a second, and is this information available publicly. I do not know but I will find out.

3.9.2 Deputy M.R. Higgins:

At the very end the Minister answered part of my question which is how many monitoring sites there are? I would like to know how many of them are fixed and how many portable units they have and how often they are changed? So if he can explain, first of all, of the 20 sites that he mentioned, have they always been at the same location and does he have a mobile type one so that other locations can be monitored?

The Bailiff:

There is about 5 questions there. Pick your 3 you want to ask the Minister.

Deputy M.R. Higgins:

Hopefully it will be **[Interruption]** ... are they fixed or are they mobile and if they are mobile how often are they moved?

Senator A.K.F. Green:

Twenty-two of them are fixed. I do not know if we have a mobile one but I do know that on occasions they do move to monitor a particular area if there has been a complaint or a concern. I think that is the answer to that question.

3.9.3 Deputy M. Tadier:

Does the Minister have specific information on the tunnel? We see the signs there saying that: "At peak times air quality in this tunnel is poor." Can we have more information because I suspect that is one of the sites which is probably very dangerous for those using the tunnel?

Senator A.K.F. Green:

We know that the tunnel in virtually most conditions is a problem. We monitor the Weighbridge and tunnel area. As the Deputy said, we have signs warning people that because of the nature and fact that it is a tunnel and cars are queueing in there that it is not wise to expose yourself to those pollutants for long periods of time. We monitor the Weighbridge area and only on 2 occasions, I think, last year from memory, did it fail and that was I think in June and July that it failed to meet the requirements and it was just over the top.

Deputy M. Tadier:

Supplementary. If you are walking through the tunnel ...

The Bailiff:

No. Sorry, Deputy. Final supplementary from Constable ...

3.9.4 The Connétable of St. Helier:

We do know that a lot of the problem the Minister admitted is from diesel engines and presumably badly tuned diesel engines are the worst. Is he encouraging his fellow Ministers to look at some kind of road vehicle worthiness test, particularly in regard to emissions?

Senator Z.A. Cameron:

Excuse me. I would just like to raise the fact that I did put my light on before the supplementary question.

The Bailiff:

You did, Senator, and I did indicate that I was allowing 5 minutes only for each of the last questions to make sure we got through them. I am very sorry that there was not time for your question. Connétable, you have finished your supplementary I think of the Minister.

Senator A.K.F. Green:

I think the question was, was I going to encourage M.O.T.- (Ministry of Transport) type inspections for emissions. That is a matter for the Minister for the Environment and the Minister for Infrastructure. I would have thought.

3.10 Deputy S.Y. Mézec of the Chief Minister regarding the social and economic impact of plans to outsource Department for Infrastructure jobs:

The Bailiff:

We come to question 10 which Deputy Mézec will ask of the Chief Minister? I believe, Deputy, it has been agreed, has it?

Deputy S.Y. Mézec:

Sorry?

The Bailiff:

Question 10 you are asking of the Chief Minister I believe? Is that agreed?

Deputy S.Y. Mézec:

Well, I wanted it for the Minister for Infrastructure but I do not mind if it goes to the Chief Minister.

The Bailiff:

Chief Minister, is it to you?

Senator I.J. Gorst:

That is correct. I can only apologise that the message was not received in a timely manner.

Deputy S.Y. Mézec:

That is okay. The Minister for Infrastructure has obviously had a tough day so that is fine.

[11:30]

What estimates, if any, has the Minister made of the social and economic impacts of plans to outsource Department of Infrastructure jobs and has the likely impact on income tax receipts, social

security receipts, supplementation costs, income support payments and short and long-term ill health payments to those who are made redundant been taken into account?

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

Each department, if they are considering outsourcing, is required to have an agreed business case which demonstrates the value for money of the proposed course of action. When considering the impact on the economy of the proposals in the Medium Term Financial Plan it is important to look at the impact of the approach as a whole and not just selected elements. This should include the investment being made in health, education and infrastructure through the significant capital expenditure over the life of the M.T.F.P. A distributional analysis will be undertaken of the measures proposed in the M.T.F.P. Addition, consider how the impact may vary across households with different income levels. The terms of reference have been drawn up and shared with the Corporate Services Scrutiny Panel for comment.

3.10.1 Deputy S.Y. Mézec:

Supplementary. The Minister for Infrastructure today seems to have flip-flopped over whether the outsourcing is going to happen, whether it is not going to happen, who is going to make the decision and what have you. If that decision has not been taken and if outsourcing, when we are talking about it at the moment, is purely hypothetical, how can it be possible to have done an impact assessment on it and if such an impact assessment on this specific element is to be done, when can we see it and when can we have that information so that the States Assembly can make a decision on whether it is the right path of action to take?

Senator I.J. Gorst:

The Deputy should know from other answers given that will be available at the same time of the lodging of the M.T.F.P. Addition. As the Minister for Infrastructure has said this morning, there is a process to go through and it is only once we have completed the detailed business plan, which is going to look at value for money and going to look at a model that might be used, that then we can do the distribution analysis upon that. The Economic Adviser will also, as I have said, consult with other departments to look at further impacts, perhaps considering some of the issues that the Deputy has requested in his opening question.

3.10.2 Deputy K.C. Lewis:

I am reminded in the 1960s the American astronaut, John Glenn, was asked what he was thinking when he was sat in that tiny capsule on top of that huge rocket waiting to go into space, and he replied: "How do you think I feel? I am in this tiny capsule on the top of this huge rocket waiting to go into space, built by the cheapest tender." As I mentioned previously, the county councils in the U.K. and local governments are now insourcing because in the long run it is cheaper. Will the Chief Minister admit that outsourcing in the long term does not work?

Senator I.J. Gorst:

It seems this morning that we have had an ideological banter coming from some of the Deputies asking questions. The Council of Ministers is not ideologically attached to outsourcing, that is why they have undertaken the service reviews and they are doing the detailed business plans to make sure that it stacks-up, to make sure that it is going to make financial sense. Because what the Council of Ministers is committed to is not ideology, as suggested by the questioner, but by delivering value for money to the community that we serve and trying to deliver effective good services for the best value that we can. It is not just about money. At the same time, what we are doing is balancing our budgets in the medium term, as requested by our independent economic advisers, because that ultimately will deliver a sustainable government and sustainable services at reasonable tax rates alongside competitive markets, to everybody's benefit.

3.10.3 Deputy S.Y. Mézec:

That is some gall from the Chief Minister, frankly, when he tries to say that this is not ideological, right after a completely legitimate question from Deputy Lewis, which shows examples across the country of outsourcing simply not working. If the Chief Minister is taking a pragmatic approach would he not look at the examples across the country which show that there are some services which the government is better able to do and fund than the private sector? Would he accept to relook at these services and take into account the potential impact of emergency situations which may arise: bad weather, damage to infrastructure that is not predicted, and the extra cost where that ends up with Government having to fund when it is being outsourced. Would he accept that is the pragmatic way to go rather than his ideologically far right Conservative path that he seems to be taking now?

The Bailiff:

Well, Chief Minister, that was not a short question; you can speak for at least a minute and a half, if you wish.

Senator I.J. Gorst:

The Deputy is trying to say that every single outsourcing project - and I do not know which country he is referring to, I assume he is referring to every country across the world - has not worked and, yet, when he looks in his own Island, he will see that the work that Visit Jersey has done has been an astounding success; they are seeing numbers rise. That was difficult, it required us to look and operate in a different way, but what it also has delivered is greater value to the taxpayers of Jersey and it has delivered on a strategic priority of this Assembly. It is not right to take the ideological view and say that all outsourcing is a failure; there are many examples where it has been a great success. But the Minister is not taking an ideological approach, he is taking a careful approach: first of all to undertake service reviews, secondly, to get the numbers attached to these service reviews to make sure that it is delivering value for money, and then we are going to do the distribution analysis to see if there are any unintended consequences and effects, not only on the taxpayer but also on those individuals that might be impacted by this change. We cannot stick our heads in the sand and say we can continue growing the cost of government and growing the number of employees in government, as we have done for years in the past. We have got to take an approach that says: "It is about time we delivered value for money for the taxpayers into the future", and the only way that we are going to do that is looking to reform the way that we deliver our services.

3.11 Deputy G.P. Southern of the Minister for Infrastructure regarding local government public-private partnerships:

It is the Minister for Infrastructure again. What account, if any, has the Minister taken of the report of the European Services Strategy Unit research which found that more than a quarter of local government Public-Private Partnerships over the last 15 years have failed?

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

I would like to start by thanking Deputy Southern for pointing out that almost three-quarters of these P.P.P.s (public-private partnerships) have indeed been successful over the past 15 years. I am aware that not all outsourcing has been successful in the U.K. and cannot be entered into lightly, nor are we doing so. Learning from our own experiences and that of others is very valuable; for example, I think it is fair to say that we have a far better contract drawn up now with the current bus company than we did with the previous operator. We are not novices in this area and we have some experienced assistance from the Procurement Section to help us with this. In addition, Jersey

Property Holdings do already successfully deliver cleaning services and with associated gardening and grounds maintenance for other departments, and have done so for a number of years with third-party contractors. From the Deputy's question, he indicates just under three-quarters of local government public-private partnerships have been successful. I have no reason to assume that any third-party contracts that we might enter into would not also be successful and we would work with the local suppliers to indeed ensure that they are. For clarification, we are not looking to enter any public-private sector partnerships.

3.11.1 Deputy G.P. Southern:

Outsourcing is a public-private partnership, effectively. Does the Minister accept that increasing evidence is that outsourcing does not necessarily remove costs, and that a number of local bodies in the U.K. are re-insourcing in order to save money because the outsourcing process is, in the end, more expensive and it does not meet its targets for savings?

Deputy E.J. Noel:

That is exactly why you have to do service reviews because, if you are going to outsource to private contractors, you have to do it in a smart way. There are some services that you do not outsource; there are some key services likely to have sufficient capacity to respond to emergency situations. You need to have a certain critical mass to be able to do that and therefore in those areas you would not outsource. But areas where there is strong evidence that the private sector can do the job to the appropriate level of quality then they can be outsourced. We have our own in-house example of that: currently, and for many years Property Holdings has been outsourcing to the private sector exactly the same services that are now going through the service reviews.

3.11.2 Deputy M. Tadier:

The Minister seemed to have outsourced the previous question to the Chief Minister's Department, presumably because he has a bigger empire of civil servants to answer them. Is the Chief Minister correct when he says that the Minister - this Minister - is not ideological in his approach, and does he accept that it is a fair criticism to say that if your decisions were based on evidence, you would have done the research in the first place before you say that outsourcing is what you are pursuing and, secondly, that you would have an alternative to outsourcing? Otherwise it seems to say that the policy of outsourcing privatisation is ideological in the absence of any evidence and in the absence of any alternative being brought to the table. Is that a fair point that the Minister accepts?

Deputy E.J. Noel:

I accept wholeheartedly what the Chief Minister said in answer to question 10. I am not an ideologically-based person, I am a practical person; I come from a longstanding Jersey family that has its roots in local subsistence farming. I do not have strong ideological beliefs that I would follow blindly, what I do have is a practical way of finding solutions to the difficulties that we face in our lives on an ongoing basis.

3.11.3 Deputy G.P. Southern:

I just refer to one particular case because it is appropriate: does he recognise that in Islington they saved £3.8 million each year on housing by insourcing and £3 million a year on waste, street-cleaning and grounds services, which is what he proposes to outsource, by insourcing? Does he not accept that he can provide value for money within his own department?

Deputy E.J. Noel:

To repeat again, that is exactly why we are doing the service reviews and it is exactly why we are gathering the information through a P.Q.Q. (pre-qualification questionnaire) exercise from the industry to understand and to be able to evaluate what we can continue to do within the States

sector, within the public sector, and provide value for money. As Deputy Southern has clearly shown States Members, over the last 15 years it has been proven that local governments have had exceptionally good value for money out of their private sector arrangements.

3.12 Deputy A.D. Lewis of the Minister for Treasury and Resources regarding the definition of “middle” and “high” earners:

Can the Minister define a “middle-earner” and state with what earnings bracket a taxpayer then becomes a “high-earner?”

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

There is no universally-adopted definition of “middle-earner”; it is a relative term. A number of approaches are demonstrated in the Statistics Unit report on Household Income Distribution for 2014 and 2015. Statistics show that individual earned income per full-time equivalent from employment is £680 per week at the mean average; that is the Index of Average Earnings Report June 2015. The term “high earner” is sometimes equated with paying tax at the standard rate of 20 per cent. About 15 per cent of taxpayers, that is individuals or couples who do pay tax, pay at the standard rate, but the point at which they pay varies according to their personal circumstances and the availability of marginal relief.

3.12.1 Deputy A.D. Lewis:

Following on from a question I put to the Minister on 23rd February, does he think then it is acceptable that, as he clearly stated in a recent Treasury presentation, someone can pay less than 20 per cent in income tax yet still have an income of over £130,000? Does the Minister accept that £130,000 would constitute a high earner in our society?

Senator A.J.H. Maclean:

All circumstances vary, as I pointed out. For example, we can have a single individual with no mortgage, no children, who starts to pay at the standard rate of £65,000, or thereabouts. We can have individuals, perhaps who have children at university, children at school, where one partner works, a mortgage at the full rate - and of course, Members will be aware that mortgage interest tax relief is being phased-out slowly through to 2026 - who indeed can have higher earnings.

[11:45]

That is the benefit of the marginal rate system which is a graduated system that takes consideration of people’s individual circumstances.

The Bailiff:

That brings that part of question time to an end. We now come to 2 urgent oral questions which I have permitted: the first is from Deputy Mézec of the Chief Minister.

4. Urgent Oral Questions

4.1 Deputy S.Y. Mézec of the Chief Minister regarding action to be taken against 2 civil servants arising from the costs of travelling to South Africa:

What disciplinary action, if any, will the Chief Minister be taking against the 2 civil servants who travelled to South Africa on business class flights, costing almost £13,000, on the basis that they were to begin working immediately upon arrival, given that they have since admitted that they played golf when they arrived?

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

I have asked for a review of the States of Jersey travel policy. This will lead to an updated policy covering all the public service. There is also a separate investigation being undertaken by the Chief Executive under the Disciplinary Code, which will examine the exact circumstances behind the recent trip to South Africa. The investigation will be undertaken by the Chief Internal Auditor with assistance from an external specialist with experience in undertaking such reviews. This will also include a review of the last 2 years' expenditure on travel. Until this work is complete it would not be right of me to prejudge the outcome. There is, of course, a requirement under the Disciplinary Code for all parties to maintain confidentiality throughout that investigation. The outcomes will be reported to the States Employment Board.

4.1.1 Deputy S.Y. Mézec:

Does the Chief Minister accept that the public anger at this incident is completely well-founded, given that these civil servants said initially that they were to be working when they first arrived, and this later turned out not to be true? Since that is the fact, can he foresee any circumstance where disciplinary action will not need to be taken, given that it seems to be very black and white that there has been some dishonesty?

Senator I.J. Gorst:

Can I start by saying I do understand the public's mood and frustration with this particular incident but, now that we have set in place the reviews, and particularly the investigation under the Disciplinary Code, it would be wrong of me to second-guess the outcome of that review. I hope that Members of this Assembly and members of the public would wait to see the outcome of that review.

4.1.2 Deputy J.A.N. Le Fondré:

Financial Directions require the trip to have been authorised. Can the Chief Minister advise who gave the authorisation to the trip, other than the persons travelling and, if he is unable to do so now, can he advise the Assembly verbally later this morning?

Senator I.J. Gorst:

The Deputy gets to the nub of an issue, which is why the travel policy, and of course the Financial Directions that give effect to it, need to be reviewed and considered, because it is my understanding that currently it would be a chief officer of a department that gives that authorisation. Of course in this instance, the Chief Officer was travelling.

Deputy J.A.N. Le Fondré:

Sorry, that is a generic response. Can he not identify who authorised the trip at the ultimate level?

Senator I.J. Gorst:

I think I just did.

4.1.3 Deputy M.R. Higgins:

Leaving aside the wider issue of the travel policy, can the Chief Minister tell us what his estimate is for how long the review is going to take and what it is going to cost, and also will he report back to the States after the S.E.B. has been informed?

Senator I.J. Gorst:

I have been working on the assumption that that particular part of this work will be completed, and I would hope that all of the parts of the work, apart from another one that I may come on to, will be completed during the course of early April. It will, of course, be reported to S.E.B.; we cannot make public any disciplinary findings, but the findings of the other review with regards to policy

and the review of the 2 years' previous expenditure on travel, should be available to be made public.

4.1.4 Deputy R. Labey:

Was the Chief Executive aware of these expenses and did he sign them off?

Senator I.J. Gorst:

I am not aware that that is the case. There has been an ongoing consideration of whether that process needs to change. The current process is that a chief officer within a department would sign-off any travel. Of course, the travel is reported to the Financial Services and Foreign Relations Advisory Group, but not the individual operation of how somebody is going to travel to an event that it has been decided that it would be beneficial to attend.

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

Is the Chief Minister able to tell Members whether the 2 employees involved booked and travelled within the terms of the travel policy? Also, could he tell us who benefits from any air miles accrued from States travel?

Senator I.J. Gorst:

I do not have all the details in front of me; that is what the **[Members: Oh!]** ... sorry, I do apologise. Can I just say it is a good job we do not have television, Sir. **[Laughter]** I can assure the Minister in front of me it was only water.

The Bailiff:

I did not realise we had a wet Minister for Treasury and Resources. **[Laughter]**

Senator I.J. Gorst:

I have forgotten the second part of the Deputy's question.

The Bailiff:

Air miles.

Senator I.J. Gorst:

Air miles. That is something else which needs to be considered under the revised policy because, of course, currently, as I understand it, if Avios points are due on a particular flight, they are booked through the booking agent, they go to the States of Jersey. For those individuals who themselves however have loyalty cards, there is a different approach and I think that needs to be considered to make sure what are now considered Avios points are transferred to the States for future use.

4.1.6 Deputy T.A. Vallois of St. John:

Could the Chief Minister advise whether he knows how this got into the public domain in the first place and, if it had not, what would have been done?

Senator I.J. Gorst:

If I can take the second part first. As I said in answer to Deputy Labey, there was already a review being undertaken to make sure that there were firm controls over travel policy, particularly with regard to the authorisation of travelling and how it was booked within a separate department. With regard to the first part of the question, I understand that questions were asked of politicians about travelling and it was during the course of those questions that this issue arose.

4.1.7 Deputy K.C. Lewis:

The Chief Minister has just stated that there will be an inquiry into this affair, which is only right and proper, but is there not a danger that this could end up costing more than the tickets that are in dispute, which is a lose/lose situation for the taxpayer?

Senator I.J. Gorst:

Absolutely not. I understand the frustration that the public and Members of this Assembly have felt, but at the heart of this incident still are 2 individuals who have worked hard on behalf of the government attending many events, the work that they have been supporting with Locate Jersey has delivered jobs and inward investment into our community. It is right that they are treated appropriately and fairly, and that is what such a review allows to take place, rather than us jumping to conclusions and making comments, which some have, which directly affect the family members of these individuals. I would wish to distance myself from such comments. These are individuals who are working on our behalf, they have apologised in this instance, but it is right that they are treated fairly with such a review.

4.1.8 Deputy M. Tadier:

There seem to be dual standards. Having spoken to what were former T.T.S. workers on the ground who get told off for taking a 5-minute toilet break in town, when they see chief civil servants who seem to be completely unaccountable and out of control, the question really to the Chief Minister has to be: what does one have to do as a civil servant, as a chief officer, in order to get some disciplinary action, let alone be sacked, if not, to lie to the public and misappropriate funds, arguably, at a time of a massive austerity programme?

The Bailiff:

I do not think, Deputy, you are meaning to suggest misappropriation. Mis-spending?

Deputy M. Tadier:

Mis-spending is the better word, Sir, thank you.

Senator I.J. Gorst:

It would be easy to speak in the way that the Deputy has but, for the reasons that I have outlined, the process that has been instigated I think is the appropriate one in this instance.

4.1.9 Deputy M. Tadier:

Can the Minister just confirm for the record that the process he is talking about, the inquiry, has absolutely nothing to do with disciplinary? This is an expensive exercise and perhaps the Minister can clarify. Similarly, do these kinds of processes exist for other members of staff down the line who would face a very robust disciplinary proceedings if this kind of behaviour were to take place?

Senator I.J. Gorst:

Yes, there are disciplinary processes and procedures for all employees, which would be applicable to all employees across the States. I am not sure whether the Deputy was listening to my opening answer, but I talked about more than one investigation, and one part of that was a separate investigation being undertaken under the Disciplinary Code.

Senator P.F.C. Ozouf:

Unusually, I am going to ask the Chief Minister a question, if I may. While remaining neutral on this ...

Deputy J.A.N. Le Fondré:

Sir, I am sorry, this is an Assistant Minister to the Chief Minister's Department and I do not think Standing Orders allow it.

The Bailiff:

I thought it would be helpful to Members if Senator Ozouf asked the question but I had forgotten that he is the Assistant Chief Minister and so, in those circumstances, I think he should not.

4.1.10 Deputy A.D. Lewis:

Just briefly. The Chief Minister will be aware that other parliaments, other public sectors around the country, and indeed Western Europe, publish online on a regular basis all their expenses. Is this perhaps time to do that so that we do not get embarrassing F.O.I. (Freedom of Information) applications and then you are on the back foot in responding to them? Would the Chief Minister consider that as part of the policy going forward?

Senator I.J. Gorst:

This was an issue that we discussed yesterday at the Scrutiny Panel. I have discussed that further this morning with my officers and agree that, in the medium term, this is the best approach. It will take a number of months to do so. If we look to the United Kingdom we see that they have a model which might be able to be applicable to the way that we do things here, and we will continue to investigate the feasibility of that. But that seems to me to be the best approach. We already publish ministerial expenses, and so we could extend it slightly and make sure that it is an online-driven approach.

4.1.11 Deputy S.Y. Mézec:

A few days ago I was re-reading the summary report from Kevin Keen and was shocked to read in it that it says that one of these civil servants, *[Name omitted from the transcript in accordance with Standing Order 109(7)]*, the Chief Executive of Economic Development, has a leading co-ordinating role for Stop, Reduce, Outsource. I found this shocking, given that we are talking about somebody who is responsible for this complete waste of money as well as the £200,000 that was given to a film that never ended up happening.

[12:00]

So in this context, could I ask the Chief Minister if he believes that this is what Kevin Keen referred to as: "A States Civil Service culture which is conservative and unaccustomed to change", and how can he expect Members, or in fact the wider public, to have any faith in him and his Government to make meaningful efficiency savings which could theoretically carry the support of all sides of the political spectrum, when he clearly has no ability whatsoever to control those at the top level of the Civil Service who appear to playing by other rules? Does he agree that that is the culture that needs to be targeted, and this is a symptom of that?

The Bailiff:

Deputy, I think there was no need to mention the name of the chief executive concerned and I order Hansard to be corrected so that it refers to the Chief Executive of Economic Development. Yes, Chief Minister?

Senator I.J. Gorst:

Sir, I thank you for that; I think it was not appropriate to try and conflate these issues. These issues are being dealt with in the way which I have explained in answer to my question. If the Deputy wants to talk about the broader work that the Economic Development Department has done then, of course, I am delighted to do so. That was the department that did have the courage and foresight after many years to change the way that we operate Visit Jersey, that was the department that has

driven forward the incorporation of the Ports and delivered service in a new way. I think that the report that the Deputy is referring to, authored by Mr. Keen, would find support for some of the work that the Minister for Infrastructure is doing, which the Deputy has been criticising and questioning about all morning.

The Bailiff:

We come now to the second urgent oral question which the Connétable of St. Helier will ask of the Minister for infrastructure.

4.2 The Connétable of St. Helier of the Minister for Infrastructure regarding communication to States Members of the intention to sign a Ministerial Decision:

For what reasons did the Minister not communicate to States Members that he intended to sign a Ministerial Decision in respect of the lease on the fuel farm at La Collette, St. Helier, immediately following the approval of the matter by the Council of Ministers on 24th February? Notwithstanding changes to Standing Orders in 2014, will he postpone the passing of contract for the lease renewal in order to provide States Members with the customary 15-day period for scrutiny?

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

As I have explained in my communication to States Members, there was a change to Standing Order 168 in May 2014 that provided guidance regarding the definition of a lease renewal. The Standing Order wording is clear: “When a lease is granted where the term commences on the expiry of the earlier lease of the same land to the same person, this is a renewal for the purposes of the Standing Order.” As a renewal, the ground lease of the fuel farm site is a letting of land belonging to the public, it is not a land transaction to which Standing Order 168(3) applies, which is a 15-day working period. Subject to conditions, the Council of Ministers recommended renewal of the ground lease and the operating agreement at its meeting on 24th February. Under States Standing Orders, the decision falls to myself as the Minister with delegated authority. The interim period was spent satisfying the conditions provided by the Council of Ministers. The Ministerial Decision was signed on Friday, 4th March, and I informed Members on the same day. A political judgment is necessary around any period to be observed prior to the documentation being executed and a lease being passed in the Royal Court. In making this judgment, I seek to balance the wish for transparency against other factors, for example, third-party challenge. I see no reason to delay that process unnecessarily if Members are suitably apprised and if all parties are in a position to complete, noting that a decision has already been made which is entirely compliant with Standing Order 168.

4.2.1 The Connétable of St. Helier:

What the Minister perhaps should have been explicit about is that in his email to States Members received late last Friday, he did not refer to the fact that he had given an undertaking in this Assembly on 5th May 2013 that he would bring this matter back for scrutiny. He also said in his answer just now that the lease is to the same person. I understand that there have been some differences in the new lease and it is, in fact, a monopoly situation whereas before there were a number of parties involved in the lease. There seems to me a complete lack of transparency and I ask the Minister again why will he not give Members the chance to scrutinise this important deal in the public interest?

Deputy E.J. Noel:

I am happy for Members to receive a briefing by all of the officers concerned, including representatives from the Law Officers' Department, to have a confidential briefing on this matter, which can be arranged in short order.

The Connétable of St. John:

The first question I have is on a point of order. As I understand it, the lease expired on 31st January, 5 weeks ago. The new lease was only signed last Friday, so that is a period of 5 weeks, and it is therefore not continuous. Could I have clarity on that as to whether it is a renewal or a new lease, because it is clearly a 5-week interim period between one and the other. That is on a point of order, Sir; I have a question after that.

The Bailiff:

The Ministerial Decision shows that the heads of terms for the new lease are that it will take effect from 1st February 2016. In those circumstances I rule as a point of order that it counts as a renewal.

4.2.2 The Connétable of St. John:

Then my question is: as this is a monopoly and we do not want another Condor disaster, this is something that services the Island and fuel has to come in through that farm. I did want to ask the Chief Minister about the competition involved in this and the freedom of competition, but we are not able to do so. I would ask the Minister for Infrastructure, is he prepared to have this scrutinised before it is registered or shall we do it afterwards and allow his credibility to stand following scrutiny?

Deputy E.J. Noel:

The Constable of St. John mentions about competition; for his own information and that of other Members, C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) has done a full review of fuel activities within the Island and that review last year concluded that there were no excessive amounts being generated in connection with the fuel farm. What we have got in place with this renewal of the lease is also we have managed to negotiate an operating agreement that also refers to throughput agreements, and it is my understanding that the users of those throughput agreements and the operating agreements have the ability to go to C.I.C.R.A. to get them to carry out a specific review on the transfer of fuel through the fuel farm. This is a very complex matter and we are dealing with a complex legal matter as well and, again, I just would like to invite Members to a briefing that will be attended by the Law Officers' Department where they can explain the nuances in the appropriate forum.

4.2.3 The Connétable of St. John:

The cost through the fuel farm here in Jersey is 3 times the cost of a comparable fuel farm on another island. It amounts to at least 2 pence extra on every litre of fuel on this Island.

The Bailiff:

Connétable, you have to relate this to the lease.

The Connétable of St. John:

It is part of the lease, Sir; it is the agreement on the rental value. So is the Minister prepared to accept that this 2 pence extra that everybody is paying on fuel is acceptable or would he put it to Scrutiny and allow Scrutiny to have a look at it?

Deputy E.J. Noel:

I am afraid that the Constable may be slightly misinformed; there is no evidence that I am aware of that is proof that there is excessive charging on effectively 2 pence a litre. Our Economic Adviser and other advisers with experience in this market, and indeed C.I.C.R.A. themselves, questioned the assumption that the Constable has just reiterated.

4.2.4 The Deputy of Grouville:

I probably know the answer to this, but did the Minister give any consideration to the manner in which this oil company treat the land in Nigeria and the environmental damage they inflict on the homeland of the Ogoni people? The last time this lease was up for renewal we were very fortunate to receive the assistance of Ken Saro-Wiwa who could explain to us first-hand the utter environment destruction that occurs in their country by this fuel company. Did the Minister give any consideration to asking them what improvements have been made since the last time the lease was renewed?

Deputy E.J. Noel:

Although it is the same entity with which we are entering into a renewal of the lease, the owner of that entity has changed in that time, so I do not believe that we are talking about the same individual corporation.

Deputy R. Labey:

Are we stuck with this fuel farm, where it is, for the next 10 years, and is that part of this Government's vision for La Collette? Because it seems to be stuck in the 1960s with a piecemeal passé notion of zoning: one zone for commerce, one zone for light industry, one zone for housing, which causes dormitory suburbs and dead areas in parts of the day. Modern thinking is for a mix. When are we going to get a mix down at La Collette and unlock its potential and help with the Island's housing problem?

The Bailiff:

It is a good question but it does not arise out of this question.

4.2.5 Deputy J.A.N. Le Fondré:

This is hopefully a simple question: the Minister has offered a briefing; will the briefing take place before Friday? Because I believe the lease is to go to court on Friday, if I understood the Minister's email correctly. Will he postpone the lease going to court for at least a further week to allow Members to consider matters after that briefing?

Deputy E.J. Noel:

This is a fairly light day for Members in terms of business and I am hoping that the briefing could take place today, this afternoon. With regard to Deputy Le Fondré's second question, I am not minded to delay the passing of this lease through the court. I am sure after the Members have had their briefing this afternoon they will understand why.

4.2.6 The Deputy of St. John:

The Assistant Chief Minister with responsibility for competition appeared to have an issue with the answer given by the Minister regarding C.I.C.R.A. In the interests of working together, could the Minister share with us what exactly is the real problem with the fuel farm?

Deputy E.J. Noel:

I do not have a problem with the fuel farm, nor do the officers advising me. There is a perception - and it is a perception, it is not based necessarily upon fact - that not just the fuel farm but the whole

cost of fuel to Islanders is higher than it should be. That is a matter for C.I.C.R.A. and a matter for the Minister with responsibility for competition.

4.2.7 The Deputy of St. Mary:

I would like to place on record that while the Scrutiny Panel has only recently been reformed, and we have not had a chance to review everything within the remit of Jersey Property Holdings Limited, we did have a public hearing recently and I suggest it might have been courteous if we had been made aware of this to give the panel some time to look at the problem before today. The second point which has been raised by Deputy Le Fondré - and what was going to be my second question - is that you have offered Members a briefing. Surely we need time to consider what is said in that briefing rather than to be steamrolled into agreeing that the matter should go to court immediately afterwards. Would he please reconsider that aspect?

Deputy E.J. Noel:

I understand Members' frustration and I apologise to the Scrutiny Panel for not giving them an in-confidence briefing last week, but at that time we did not know if all the measures that the Council of Ministers required were going to be in place prior to being able to complete a Ministerial Decision to pass this renewal of lease through the Royal Court. Although I would like to be in a position to accede to Members' wishes with regard to delaying this going through its natural process to the Royal Court, that is not going to be possible. I intend to leave matters as they are and to let the renewal of lease pass to the Royal Court on Friday.

[12:15]

4.2.8 Deputy J.A. Martin:

I really want to push the Minister to assure us that he is not misleading the House in all his answers. Today we were given, as St. Helier Deputies, all these letters, and the Minister was speaking to the media, the *Bailiwick Express*, on the weekend, over 12th February, printed on 15th February: "Deputy Noel said we have completed negotiations on the lease and a new operating agreement. C.I.C.R.A. are the policemen in this and it is their remit to ensure a level playing field." He knew then there were questions. He was talking to the media. Not until 4:45 p.m. on Friday did we get the courtesy of an email. It is the Minister's own fault that he is where he is; he is trying to push this House to agree that he can sign the lease that he went to the media with over 3 weeks ago. I really urge the Minister to put this statement right, because he has misled the House that he did not go out there until 24th February and, secondly, that we will have time to look at the urgency and the questions that have been raised to us today from another third party on this fuel farm.

Deputy E.J. Noel:

This transaction has been approved by the Council of Ministers now on 5 occasions, subject to additional information and additional procedures to be put in place. At the time of that article in the *Bailiwick*, that was a response to a matter that they had been tipped-off about. Since that time we and the Law Officers have been working with the parties concerned around this to find a way forward that is acceptable to all parties, while protecting the public's position.

Deputy J.A.N. Le Fondré:

Sir, may I ask a question of the Solicitor General?

The Bailiff:

No, it is question time. Final supplementary.

4.2.9 The Connétable of St. Helier:

Will the Minister agree to arrange a briefing with due notice to Members? Clearly this afternoon is not acceptable; we will have all made alternative arrangements. If he will not postpone the passing of contract on Friday, will he tell us why not?

Deputy E.J. Noel:

I will endeavour to try and get a meeting with as many States Members as can attend today, those that cannot we will arrange an alternative meeting. My position is to protect the public's position and I cannot accede to the request of the Constable.

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

5.1 Deputy S.Y. Mézec:

I was the first one, excellent. As you mentioned at the beginning of this States sitting, today is International Women's Day and it is well known that the effects of austerity disproportionately hit women and so I would like to ask the Minister for Social Security firstly if she considers herself to be a feminist? If she does, how does she reconcile that particular view with the policies that she is enacting as Minister for Social Security, such as the plans to cut the income support component for single parents, which will result in those families, which mostly those recipients will be disproportionately women, who will be £2,000 a year worse off? How does she see her austerity policies as affecting the well-being of women in our society?

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

I thank the Deputy for his question. I must just qualify or clarify that the £2,000 a year is not correct, it is £2,000 over the term of the Medium Term Financial Plan, but it is not per year. So we need to clarify that and the Deputy made that statement in an earlier question. I would not class myself as a feminist, no, but as a moderate, realistic, practical person. The changes that have been made to benefits have been totally across the board and not aligned to women at all.

5.1.1 Deputy S.Y. Mézec:

A supplementary? Would the Minister consider being a moderate and reasonable person to be mutually incompatible with being a feminist?

Deputy S.J. Pinel:

I do not really quite understand the question. I do not think it is mutually incompatible at all.

5.2 Deputy M. Tadier:

Another 2 groups that may be affected by redundancies and knocking on the door of the Minister, are those disabled employees and perhaps we can call them older employees. Currently these will not be covered by any of the discrimination legislation because it does not yet cover disability or age discrimination. Can the Minister explain what consideration has been given to the effect of these 2 groups on the policy of our ministerial colleagues when it comes to making these groups unemployed?

Deputy S.J. Pinel:

As the Deputy will be well aware, the age discrimination consultation has finished. The regulations are being brought before the States or lodged on 12th April and would be debated on 24th May. Hopefully implemented then on 1st September 2016. We will then move on to disability discrimination, which by dint of its nature is a very complicated set of legislation to bring in. So in answer to his question, no, neither are in force at the moment but that is what I want to push forward for.

5.3 Deputy G.P. Southern:

Is the Minister aware that there will be a cost to her department and to income support, in particular, from the redundancy of 50 employees, or thereabouts, at the Department for Infrastructure and that, even if all of those workers were to get unskilled employment at or near the minimum wage, the bill to income support would be around £500,000 and that, further, there will be a drop in contributions to Social Security and a consequent increase in supplementation around the order of £110,000, making this a very expensive redeployment outsourcing process indeed?

Deputy S.J. Pinel:

In anticipation of the Deputy's question I did ask the department, but we do not have the information as to how many people involved in the Department for Infrastructure redundancies are on income support, so it is impossible to be able to evaluate the consequences.

5.4 Deputy J.M. Maçon of St. Saviour:

Can I welcome the Minister's statement about the department working towards in-work pensions, which is coming forward? On a separate matter, what measures are being introduced, if any, to further help self-employed people and should this be one of the department's priorities?

Deputy S.J. Pinel:

I am sorry, I missed the end of Deputy Maçon's question because of talking on my right here.

Deputy J.M. Maçon:

I will repeat it. What measures are being introduced, if any, to further help self-employed people and should this be one of the department's priorities?

Deputy S.J. Pinel:

Yes, I have always said that considering the difficulties in setting up a business or being self-employed, which we are trying to encourage, then the department, as part of the business plan which has started now a timeline of possibly over the next 2 years but the priority is for self-employed people because I consider that very important.

5.5 Deputy S.M. Wickenden of St. Helier:

Sorry for the context in advance. I received a phone call from a constituent recently who was made unemployed and he was with the Back to Work Scheme, which he has nothing but praise for the work that they do there, but as a manual worker his entire life he was frustrated at the lack of manual work that was available within the Back to Work Scheme. Subsequently I spoke to the Minister for Transport and Technical Services or the Minister for Infrastructure and we have managed to do some positive steps in some of the areas that they are working to find him work, which is fantastic. The question is, could the Minister please explain how the Back to Work team engage with other States departments to identify possible opportunities for work for the participants? While we are on the subject, what percentage of participants in the Back to Work Scheme find full-time employment due to work they have been found through the scheme?

Deputy S.J. Pinel:

I think as Members will be aware, the Back to Work umbrella of those actively seeking work and all the rest of the initiatives underneath it has been extremely successful and there are several answers to the Deputy's question. The departments involved have been very active in training and work placements and the Department of the Environment particularly have been very helpful with the foundation's team, which are people with quite serious barriers into getting back into work. They helped enormously with the Island Games preparation and have recently helped with the railway walk in St. Aubin or St. Brelade and there are lots of initiatives now. There is an employer

incentive for employees to take on an employee on a 6-month contract, which is worth up to about £6,500, to issue them with a permanent contract at the end of it. So there is a huge amount of work going on.

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

What is the Minister's policy for those in receipt of incapacity benefit in terms of enabling or even encouraging them to take part in voluntary work as a step towards paid employment?

Deputy S.J. Pinel:

There has been an enormous amount of work involved in that when the long-term incapacity percentage increased from 30 per cent to 35 per cent approved by this Assembly. Out of the people that were then in that, 5 per cent asked to then apply for jobs, about 50 per cent of them have found employment. So we continue to work with people, especially the long-term unemployed to get them back into work.

5.7 Deputy R.J. Renouf of St. Ouen:

What steps is the Minister taking to make the food costs bonus and other benefits available to pensioners who may exceptionally pass the income tax threshold only because they have to declare 53 weeks of pension income instead of the usual 52 in their current tax return?

Deputy S.J. Pinel:

I thank Deputy Renouf for his question. We took advantage of this last week and had a meeting with the Minister for Treasury and Resources about this anomaly, which occurs about once every 7 or so years whereby because of the not exact science of 365 days in a year there is, every 7 or so years, 53 weeks' worth of pension, which is paid out every month in advance. So every so often the days that mount up accrue to about 53 weeks. In answer to the Deputy's question, the number of people that fall outside of the tax exemption is very few, it is a maximum of about 45 households who do then perhaps go £1 over, or whatever it is, of the tax exemption threshold and they are affected then by the benefits that they would otherwise accrue, the food cost bonus and the cold weather bonus, and as we have told the Deputy we are going to look at this and see what we can do but it is, as I say, very unusual. It is only about every 7 years and it is only affects about 45 people.

5.8 The Connétable of St. John:

I understand the Social Security Department is championing the "Tell Us Once" regime. I recently took a parishioner down because she had to give all her details, including children's birth certifications, her bank details, *et cetera, et cetera*, not just to Income Support but also to the Back to Work office. The 2 desks are no more than about 20, 30 feet apart. I find there is a little bit of inconsistency there. Perhaps the Minister could explain?

Deputy S.J. Pinel:

If the Connétable has a question on a personal level with a constituent then perhaps he might like to come and see me personally about it.

5.9 Deputy J.A. Martin:

I really am trying to be helpful to the Minister for Social Security; in an earlier question she said in anticipation of Deputy Southern's question she had asked her department who may be working for certain departments that may get made redundant and were on income support. The Minister said she did not know the answer. The department did not know the answer. I think that is what we have been trying to say all morning. What I have been trying to get agreement with, because I would not want to see the Minister for Social Security's bill really increase when other Ministers are fulfilling their obligations. Would the Minister not think in her position that she should be

working closer with departments who are looking to outsource work to make sure that her bill is not going to go through the roof, and, in the interests of everybody, to make sure that they do know their rights if they are made unemployed? Also, as I say, that her department does not find themselves with a very much bigger bill.

[12:30]

Deputy S.J. Pinel:

As the Minister for Infrastructure said, we have had, to date, 5 visits from the Back to Work team to the department to discuss redundancies and future work for the people who are possibly going to be made redundant. The Back to Work are right on the case of getting these people back into work. That is what they are there for. As far as personal situations go, it is very difficult to know, from a data perspective, who is on income support and who is not.

5.10 Connétable L. Norman of St. Clement:

Just a supplementary to the Deputy of St. Ouen's question. Does the Minister not agree that it is a bit of a nonsense that social security pensioners have to declare to the Income Tax Department more income for 2015 than they have received?

Deputy S.J. Pinel:

Yes, it is a difficult question. Over the 7-year period, which is roughly what it is, when it transpires that there is 53 weeks in a year instead of 52, over that period - which is why it is 7 years - it is because pension is paid on a daily basis, a daily rate. It is administered once a month but it is calculated on a daily rate. Over that 7 years there will be one day in the year where it just accrues, so that is why it amounts to 53 weeks after a certain period of time. So the income tax is not unreasonable, it is just accrued so people are not paying income tax on that one day for a period of 7 years until it comes around to the 53 weeks.

5.10.1 The Connétable of St. Clement:

Could I ask just a clarification? The Minister or the department - the Minister who is the department - is asking pensioners, social security pensioners, to declare to the Income Tax Department more money, more income than they have received. Although that is absolutely right, I can tell from personal experience it is absolutely right, will next year these same pensioners have to declare less than they have received so it all balances out?

Deputy S.J. Pinel:

No, because they have not paid for the one day accruing every year because the 52 weeks amounts to 364 as opposed to 365 and so in fact what they are doing is paying income tax on pensions that have been accrued over the past 7 years.

The Bailiff:

You will have to take that up in the Parish of St. Clement or back in this Assembly in 2 weeks' time. We now come to the second question period which is for the Minister for Education. Deputy Doublet.

6. Questions to Ministers without notice - The Minister for Education

6.1 Deputy L.M.C. Doublet:

Could the Minister please confirm that Special Educational Needs support is given to children in schools on a basis of need and not on a diagnosis? If so, has this been communicated effectively to all management staff and parents?

Deputy R.G. Bryans of St. Helier (The Minister for Education):

Thank you to the Deputy. Yes, I can confirm that and, as far as I am aware - unless the Deputy has very specific information and I would welcome a conversation with her - I am confident that this has been dealt with adroitly with the schools.

6.2 Senator Z.A. Cameron:

Can the Minister for Education explain the rationale of the appointment of the ex-Directorate Manager of Social Security to the position of chair of the Jersey Childcare Trust, given the findings of the Williamson Report and the current care inquiry on the standard of care offered to children by the department under her stewardship?

Deputy R.G. Bryans:

Thank you to the Senator. I had the proposition placed before me by my officers. This particular individual was a director of Children's Services for some time, previously had a long career as a children's officer. I do not know that any blemish has been resolved or shown on this particular individual's career. In fact on discussing it with the officers, the people that work with her fully supported this appointment and so I have no reason to not appoint this individual.

6.3 Deputy M. Tadier:

Will the Minister confirm exactly what the funding cut that has been made to L'Office du Jèrriais is?

Deputy R.G. Bryans:

Thank you to the Deputy. I think the Deputy is fully aware that the responsibility now for the Jèrriais office has passed to the Economic Development, Tourism, Sport and Culture Department. As far as I am aware, I do not know of a particular cut.

6.3.1 Deputy M. Tadier:

So let us perhaps rephrase the question, because that is true, I believe they have had a cut of something of £38,000 which I wanted to confirm. In the global context of education, does the Minister agree that Jèrriais is an important part of Jersey culture and also it is taught in our schools? Does he agree that it forms part of the strategic priorities of his Council of Ministers about enhancing Jersey's unique identity? If so, how does having a funding cut in a language which was unique to Jersey tie-in with the overall aims of the Strategic Plan, including for his department?

Deputy R.G. Bryans:

I think the Deputy is aware that cuts have gone right across the board, it is not specific to Jèrriais. I think I have worked closely with Senator Farnham trying to make sure the transition happens as effectively as possible. I do agree with the Deputy that Jèrriais is an important part of the Island's culture and it is our every intention to carry it on. Like I say, every department has had its cuts and Jèrriais too will experience that. We are waiting for the E.D. (Economic Development) Department just to confirm the funding and once we have that we will have the people in place to take it on.

6.4 The Deputy of St. John:

With the recent baby boom and the increase in the size of the schools, can the Minister reassure parents in the Island that class sizes will not overly increase and affect their children's education?

Deputy R.G. Bryans:

Thank you to the Deputy. Yes, I can confirm that. I think the Deputy is aware that we have increased the size of form intakes on 4 schools. We have physically increased the size of those schools. So D'Auvergne is a 2-form entry school now and we have accommodated this right across

the board. I think Springfield and Plat Douet, and I cannot remember the other one now, but there are 4 schools so we can easily accommodate the extra numbers.

6.4.1 The Deputy of St. John:

A supplementary? Can the Minister confirm what is the maximum number per class required in the schools?

Deputy R.G. Bryans:

It can fluctuate. I attend and will be attending all the appeals regarding nursery and primary schools. The figure that we tend to keep to is around 28 but this can fluctuate up with the acceptance of the headmasters to around 30, if need be.

6.5 Deputy G.P. Southern:

Is the Minister aware that the major cause of reductions in the teaching force in the U.K. has been focused on the overburdening of administration in education? What steps will he take to reduce administration for our teaching force in the Island?

Deputy R.G. Bryans:

Thank you to the Deputy. Yes, I am fully aware of that. In fact we had a meeting with the unions just last Thursday to talk about that issue in particular. I do not want to overburden teachers, I want them to be a situation where they can fully employ their skills to teach and to provide the best teaching on the Island for our children. So we work very closely with them to make sure that the new curriculum and the new moderation is accommodated for in the usual day-to-day teaching. I have no reason at this moment in time, subsequently after that meeting with the unions, to concern myself with this at the moment.

6.6 Deputy L.M.C. Doublet:

Could the Minister outline any findings from the survey that he recently gave out to teachers?

Deputy R.G. Bryans:

I only saw the first raw draft of the teachers' survey on Thursday when we gave it to the unions to have a look at. Yesterday at ministerial, both my Assistant Ministers were brought up to speed on what we have. The final draft will be produced, I think, by the end of the week. We have a meeting with the Headmasters tomorrow just to give them the information, so until I do that I would not want to pre-empt anything. Thank you.

6.7 Deputy G.P. Southern:

Since some 90 per cent of brain development takes place in the first 2 years of childhood, can the Minister suggest why the 1,000 days initiative is headed up by himself rather than the Health Department?

Deputy R.G. Bryans:

It is not headed up just by myself, it is headed up by myself with the Health Department and with Home Affairs. I think the Minister for Home Affairs, who unfortunately cannot be today, is leading that particular taskforce. We had a C.A.V.A. (Children, Adults and Vulnerable Adults) meeting just the other day where the particular officer who is dealing with the taskforce displayed some of the information that she has gained already and how we are progressing with that. There is some way to go but we have completed quite a task so far.

6.8 Deputy M. Tadier:

Can the Minister confirm whether it is the policy of his department with regard to Jèrriais teachers in schools that all teachers of Jèrriais need to be qualified teachers? Is this something that is supported by L'Office du Jèrriais?

Deputy R.G. Bryans:

Thank you to the Deputy. I think it is a consideration where we are at the moment that along with the Jèrriais teachers that we presently have, in discussions with the succession planning, the new idea was to recruit teachers from our teaching staff that hold teaching qualifications. So that is where we are advancing. As I say, we are just waiting for the funding to come through and then we will carry that forward.

6.8.1 Deputy M. Tadier:

But does the Minister accept that one-size-fits-all may not be relevant in this relatively niche subject where surely the importance is to have a Jèrriais speaker who already speaks the language, and if they are not a teacher it is probably more important to that person than a qualified teacher who does not yet know Jèrriais and train them up? Does the Minister think that perhaps we need to be more flexible in the approach to this?

Deputy R.G. Bryans:

I think you will find that 2 of the individuals that already teach Jèrriais had to learn it themselves. They were not natural Jèrriais speakers at the beginning. I know they are retiring but just in context of the question you have just asked me, the 2 individuals who are retiring were not originally Jèrriais speakers in the first place. So that sort of counteracts what you have just said to me.

Senator P.F.C. Ozouf:

Am I allowed to ask the Minister a question?

The Bailiff:

In accordance with Standing Orders there is a protocol, as you know, that ...

6.9 Senator P.F.C. Ozouf:

Thank you, I am grateful. Just as a helpful question to the Minister for Education, does he not think that, with all of the innovative approaches to learning, there might be a possibility of doing a digital project with Jèrriais to capture for ever probably the last native speakers that are around so that they can be digitally caught in order to then, as technology evolves, our Jèrriais native speakers could be replicated in future generations? Would he basically help me in sorting something out for the Office du Jèrriais in the digital context?

Deputy R.G. Bryans:

Thank you, yes, I would.

6.10 The Deputy of Grouville:

What importance does the Minister give to teaching the citizenship programme in schools and local politics, and does he recognise the challenge to train the trainers?

Deputy R.G. Bryans:

Sorry, I missed the last part of the question.

The Bailiff:

Train the trainers.

Deputy R.G. Bryans:

Okay, thank you, Sir, and thank you to the Deputy. Yes, it is very much part of the new curriculum that we wanted to amplify a political agenda within the schools. It has very much been the case that Deputy Maçon has wanted this to be increased so we do it through P.S.H.E. (Personal, Social, Health and Economic) teaching. I think you will have seen we have supported the Youth Parliament for some time now, so there is a method and a style that we are adopting, which has been quite effective. With regard to teacher training, yes, I support that fully.

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

Given that certain areas of the U.K. are suffering greatly attempting to train and recruit teachers into the profession, could the Minister please reassure this Assembly we are having no such problems here, and if we are what he intends to do about it.

Deputy R.G. Bryans:

I must disappoint the Deputy, I think Deputy Southern has raised this issue before and I think they are both quite right. We are beginning to perceive real difficulties in recruiting teachers at the moment. Not so much in the primary sector but in the secondary sector. I have arranged to meet with the Minister for Social Security, H.A.W.A.G. (Housing and Work Advisory Group) and the Minister for Housing to see if we can creatively come up with a brand new contract that may attract teachers into this area. We are equally still carrying on training teachers here on-Island. Since we have started this project we have trained up 66 teachers, so we are fully aware of what the Deputy talked about.

6.12 Deputy L.M.C. Doublet:

Just returning to the Jèrriais issue, how much has the Minister researched the best way to teach languages? Is the new model that he is moving towards based upon robust evidence that that is the best way that children can learn languages or is it more of a money-saving exercise? Furthermore, how does the Minister use research and an evidence-based approach generally when forming policy in his department?

[12:45]

Deputy R.G. Bryans:

I think the Deputy does know that I use a large amount of empirical evidence. It is really important to us. Certainly with regard to the Jèrriais teaching, I have been across with the Jèrriais teachers to the Isle of Man to witness the bilingual schools that they have over there. I have physically sat in lessons and seen how they operated and seen how they operate the Jèrriais teaching here in this school. So there is quite a large amount of evidence to support what we are attempting to do at this time. It is not merely a cost-saving exercise.

PUBLIC BUSINESS

The Bailiff:

If there are no other questions for the Minister then that brings question time to an end. I give notice to Members that the Draft Children's Property and Tuteurs (Jersey) Law amendment, P.156, has been lodged by the Chief Minister.

7. Public Employees Contributory Retirement Scheme Committee of Management: membership (P.8/2016)

The Bailiff:

There is nothing under J, nothing under K, so we come to Public Business. The only item is P.8 the Public Employees Contributory Retirement Scheme Committee of Management: membership lodged by the Chief Minister and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion - in accordance with Regulation 3(5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, to approve the appointment of Mr. Joseph Moynihan as an employer representative on the Committee of Management, for the period ending 31st December 2018.

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

Can I start by thanking Mr. Patidar, who is resigning from being a member of the Committee of Management. He was an individual with experience of investment in the private sector. I had the privilege of working alongside him all those many years ago when I was also a member of the Committee of Management of the Public Employees Contributory Retirement Scheme and he has, over those years, done a first class job and I thank him for that work. Equally, I have great pleasure knowing Mr. Moynihan as I do, not only in his current role but in a previous one, and I have no doubts that he will continue the excellent work that Mr. Patidar started. I have great pleasure in recommending him to the Assembly for appointment.

The Bailiff:

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

7.1.1 Deputy G.P. Southern:

I am just wondering to what extent this could be described as somewhat of a caretaker role since we are replacing the P.E.C.R.S (Public Employees Contributory Retirement Scheme) with a Career Average Revalued Earnings Scheme over this period. Can the Chief Minister elucidate?

The Bailiff:

Does any other Member wish to speak? Then I call on the Chief Minister to reply.

7.1.2 Senator I.J. Gorst:

In its truest sense it is a caretaking role. I think that each member of the Committee of Management takes great care in the decisions that they make in regard to safeguarding and maintaining the benefits that public employees receive from this pension. Of course the Deputy is right that this Assembly has agreed the creation of a new pension based on career average but, if I recall correctly, it is intended that in due course the current members of the Committee of Management will be asked if they wish to serve on the new body as well.

The Bailiff:

All Members in favour of adopting the proposition, kindly show. Those against? The proposition is adopted. Chairman, do you wish to propose the arrangement for public business?

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

8. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):

Just before I do, I wonder if I could remind Members that there is an important Privileges and Procedures Sub-Committee presentation on possible changes to Standing Orders in the common room downstairs immediately after we rise this morning. As to the arrangement of public business, I would propose it as per the Consolidated Order Paper, except that Projet 120 in the name of the

Privileges and Procedures Committee, Commissioner for Standards be moved to 12th April, although in reality that will probably be withdrawn and replaced by an amended law. That will be decided next week. You just announced, Sir, an amendment to Projet 156, so that will be added to 22nd March and the last 3 items on the Order Paper for the 22nd I would ask that they be moved to the first items on the agenda because it is possible that the Minister for Social Security will be out of the Chamber for some time in the afternoon. Therefore I think it would be pragmatic and sensible, as they should be relatively non-contentious items, to move them to the top of the agenda. With those amendments, I propose the Arrangement for Public Business and I would suggest that the next sitting will probably take no more than one day.

8.1 Senator P.F.C. Ozouf:

I am not sure that I need to do this now, but Members will have noted that proposition 20 of 2016, the Draft Intellectual Property (Plant Varieties) Law was lodged on 2nd March and unfortunately, for very good reasons, just pipped the post in terms of its ability to be taken on the 12th which was the original intention. Unfortunately, the 12th looks as though it is just going to be one day and I just wanted to give notice that I was going to ask at the next sitting, after an appropriate briefing has been given to Members, that I would seek leave of the Assembly to bring forward the proposition for Draft Intellectual Property to the 12th because at the moment it can only be debated on the 13th and it is an important issue for us resolve and that seems to be a day when we could deal with it properly. I know, Sir, that you think legislation should be dealt properly and that would seem to be a good day to do it.

The Bailiff:

Like all things in the Chamber should be dealt with properly, Senator. Nothing else. Very well, thank you very much. The Assembly now stands adjourned until 9.30 a.m. on the 22nd of March.

ADJOURNMENT

[12:51]