

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 23rd MAY 2017

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[9:31]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1.1 Manchester terrorist attack – book of condolence opened**

#### **The Bailiff:**

Like all Members and members of the public, no doubt, I woke up to the news of what seems to have been a terrorist suicide bomber's attack in Manchester last night. We will soon be turning to the important business of the day but before we do so let us take a brief moment to reflect that for 22 people who have died, most of them young people who had everything to look forward to, their future on this earth has been taken away. For many more people who were close to them, parents, siblings, family, friends, partners, today and the coming weeks and months will be important only to remember those who have died. On behalf of us all in this Assembly and in this Island I say to them all, our hearts go out to you. A book of condolence will be open today in the public reception area of the Royal Court building at the other end of this building for Islanders who wish to sign it and I have asked that flags be flown half-mast today.

### **1.2 Welcome to the Director General in the British Islands of the Alliance Française**

#### **The Bailiff:**

On a more cheerful note, I am pleased to welcome, on behalf of you all, Monsieur Emmanuel Bottieau, the Director General in the British Islands of the Alliance Française, who is in the gallery watching some of our proceedings today. **[Approbation]** It is very good to see him here. The Alliance Française in Jersey, as he will know, is the third largest branch of the Alliance in the British Islands and it is especially good to see him here.

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 THE DEPUTY OF GROUVILLE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING COMMUNICATIONS WITH THE BOARD OF THE JERSEY ELECTRICITY COMPANY IN RESPECT OF THE ENERGY PLAN AND STANDBY CHARGE: [1(279)]**

##### **Question**

Further to the answer provided to oral question 1(231) on 18th April 2017, will the Minister, as shareholder representative, confirm what communications, if any, he has had with the board of the Jersey Electricity Company in respect of the implementation of the Energy Plan and of the Standby Charge and the impact this will have on local businesses and the cost of living within Jersey?

Will the Minister also confirm how he has utilised the States of Jersey's majority shareholding in the Jersey Electricity Company for the implementation of the Energy Plan and in respect of the Standby Charge?

##### **Answer**

The Assistant Treasury Minister as shareholder representative communicates formally with the Chairman and Chief Executive (as representatives of the Board) of Jersey Electricity at least twice per year. A broad range of topics are covered which has included the Energy Plan and Standby Charges.

Jersey Electricity's commitment to the Energy Plan and the significant financial investment it has made, for example, in undersea cables, which has helped Jersey reduce its carbon emissions by around one third over the last 25 years is recognised.

Specifically on the Standby Charges issue, the Assistant Minister is aware of Jersey Electricity's commercial reasons for implementing the changes.

The States of Jersey's majority shareholding in the Jersey Electricity Company has therefore not been utilised in respect of these issues. Unlike most other States-owned companies the JEC is not wholly-owned.

## **2.2 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING REQUIREMENTS FOR THE NEW CHIEF EXECUTIVE OFFICER OF THE STATES OF JERSEY TO HAVE EXPERIENCE IN ELECTRONIC OR DIGITAL SERVICES: [1(280)]**

### **Question**

Will the Chief Minister confirm that, in advertising for the new Chief Executive Officer of the States of Jersey, a key criteria for the post will include experience in implementing electronic or digital services and, if not, will he explain why not?

### **Answer**

Digital transformation is one of the key drivers for public sector reform in the States of Jersey and this is clearly stated in the candidate brief for the role of Chief Executive Officer (CEO).

The CEO role is unique and covers a broad scope of areas across the public sector. Candidates will be required to demonstrate the high level skills needed to oversee significant transformation.

The Candidate Brief prepared for the recruitment states the purpose, knowledge and skills required. These include:-

- the ability to exercise initiative in ensuring the delivery of the States of Jersey vision, objectives and priorities; and,
- experience of delivering substantial organisational change programmes and the ability to lead a public service reform programme.

## **2.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE CHILD COMPONENT OF INCOME SUPPORT: [1(281)]**

### **Question**

Will the Minister advise how the child component of Income Support has been determined and why it is deemed necessary to pay a different amount to that of the adult component; and explain how the difference between the needs of a child and of an adult living in an Income Support household has been assessed?

### **Answer**



Income Support is based on a series of components that are allocated to households, depending on the composition and needs of the household. A range of components deals with housing, childcare and care costs. In addition a component is allocated to each adult in the household, with a separate component for each child in the household, and a single household component.

Prior to the introduction of Income Support extensive modelling was undertaken to identify appropriate values for components that provided a reasonable match with the previous benefit systems and could be afforded within the available budget.

Today, the adult component is provided at £92.12 per week, the child component is currently £63.98 per week and the household component is £51.31 per week.

The table shows how these basic components are combined for different sized households:

	Adult components	Child components	Household component	Total value of basic components
Single adult	1 x £92.12	-	£51.31	£143.43
Couple with no children	2 x £92.12	-	£51.31	£235.55
Lone parent with one child	1 x £92.12	1x £63.98	£51.31	£207.41
Couple with two children	2 x £92.12	2 x £63.98	£51.31	£363.51

NB. This table does not include the additional support for rental, child care and health related costs that is also available to Income Support households.

Most systems for assessing household income will allocate different values to adults and children within the household. For example, the Statistics Unit looks at household income as part of the Income Distribution Survey. A process known as equivilization is used to compare the incomes of different sized households.

The scale used by the Statistics Unit are shown in the next table:

	Before housing costs (BHC)	After housing costs (AHC)
First adult in household	0.67	0.58
Any additional persons aged 14 years or over	0.33	0.42
Any children aged 0 – 13 years	0.20	0.20

	Modified OECD BHC	Modified OECD AHC
Single adult	0.67	0.58
Couple with no children	1.00	1.00
Lone parent with one child	0.87	0.78
Couple with two children	1.40	1.40

The following table gives the weightings used

in this equivalence scale for the various household types listed above.

As can be seen,

- a single adult has the highest weighting of 0.67 (or 0.58 AHC)
- a second adult joining the household adds a lower weighting of 0.33 (or 0.42 AHC)
- with each child then adding a further, smaller weighting of 0.2

This pattern is generally reflected in the Income Support components, with

- a single adult receiving £143.43 in basic components
- a second adult joining the household adding an extra £92.12 in basic components
- each child adding a further £63.98.

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<sup>1</sup> The Organisation for Economic Co-operation and Development (OECD). This international organisation's aim is to promote policies that will improve the economic and social well-being of people around the world.

The modified OECD equivalence scale is used widely but other scales which allocate different weightings to adults and children are also used internationally. Generally, the allocation to a child is always less than the allocation to an adult.

**2.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INCOME THAT WOULD BE LOST IN TAX REVENUE BY REPLACING THE CHILD ALLOWANCE WITH A ‘DEPENDENT’S ALLOWANCE’: [1(282)]**

**Question**

Will the Minister provide an estimate of the amount of income that would be lost in tax revenue, if any, if child allowance were changed to a ‘dependant’s allowance’ with the definition of ‘dependant’ being a relative (including a relative of the person’s spouse or civil partner) who was unable to maintain himself or herself as a result of old age or ill-health or a child maintained at the individual’s / household’s own expense?

**Answer**

The income-tax system currently allows £3,000 of income to be earned tax-free by eligible taxpayers for every child they maintain.

It is not possible quickly to estimate the additional costs (in respect of tax foregone) if the scope of the existing child allowance were extended in the way envisaged as the States do not hold data on the number of people likely to be included within the proposed scope of an extended income-tax allowance.

The Social Security Department provides financial assistance to adults who are unable to support themselves due to old age or incapacity, through a range of benefits including Income Support and the Long Term Care scheme.

**2.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING POTENTIAL CHANGES TO THE STRUCTURE AND DELIVERY OF HEALTH AND SOCIAL CARE: [1(283)]**

**Question**

Will the Minister advise whether consideration has been given to potential changes to the structure and delivery of Health and Social Care services and, if so –

- (a) state if and when any changes will be open to public consultation;
- (b) state what timescale he has for bringing a proposition to the States seeking acceptance of a new model, and, if there will be no such proposition, explain why not;
- (c) explain in particular whether, given the dispute which has arisen over the changes to the terms and conditions of home care workers between Unite the Union and Family Nursing and Home Care management as a result of changes to the delivery of services, there will be any consultation over any new model with employee representatives as prime stakeholders and, if none, why not; and
- (d) assure members that any proposals will not reduce the public's ability to hold the Minister to account?

**Answer**

The document, 'Redesign of the Jersey Health and Social Care Governance Model', is currently a policy under consideration. It was sent to the Health and Social Security Scrutiny Panel confidentially in advance of a private briefing so as to assist the Panel in considering how it wished to undertake a review of the Report & Proposition. It is disappointing that this question has been asked on the basis of information provided to the Panel in confidence and before the planned private briefing that would have answered these and other questions.

The document proposes that governance of the health and social care strategy is further strengthened and broadened, including introducing a Public and Patient Advisory Group, to ensure that the views of Islanders are regularly heard throughout the strategy implementation. This builds on the success of the engagement approaches used in the Mental Health Strategy, where a Citizen's Panel provided valuable insight.

- (a) The proposed model is the next logical step on our transformation journey. This was subject to public consultation in 2012. The proposed model has been developed with over 40 stakeholders from across health and social care, including public and patient representatives, voluntary sector organisations and Primary Care. These stakeholders wholeheartedly support the proposed model, especially regarding improving transparency, visibility and the voice of Islanders. I do not believe this requires further public consultation.
- (b) I will be lodging a Report & Proposition in June, subject to approval by the Council of Ministers.
- (c) No changes are planned to the terms and conditions of employees in HSSD as a result of these governance changes. FNHC, as a key partner, was one of a number of stakeholders involved in producing the proposed governance model. A briefing for the HSSD Staff Partnership Forum (which comprises trade union representatives) on the proposed model will be held later this month.
- (d) The proposed governance model fully retains the Ministerial role. It strengthens public accountability by proposing that strategy meetings are held in public and that public and patient representatives participate in strategic discussions. The proposed Public and Patient Advisory Group further increases the voice of Islanders in strategic discussions and improves communication, engagement and accountability.

## **2.6 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PREVALENCE OF ZERO-HOUR CONTRACTS: [1(284)]**

### **Question**

Following her response on 2nd May 2017 to oral question 1(275), in which she stated that 85 of 598 jobs on the Back to Work (BTW) scheme were zero-hour contracts, will the Minister explain the over-representation of zero-hour contracts in BTW jobs (14 per cent) compared to the wider private sector (11 per cent) as recorded in the most recent Jersey Labour Market report?

Will the Minister commit to keep a record of the jobs advertised by employers on her Department's system shown by full time, part time, and zero-hours, and by employment sector?

Furthermore, given her commitment to examine the use / misuse of zero-hours contracts in 2018, will she work with the Statistics Unit to analyse the prevalence of zero-hour contracts in the employment sectors entitled 'Miscellaneous Business Activities' and 'Education, Health and other services', given they are the sectors with the largest prevalence of such contracts in the private sector?

### **Answer**

Back to Work is committed to supporting jobseekers move into sustainable employment. Taking up the offer of a zero hours or temporary job is often a very positive first step into employment for many, particularly for

those who may have barriers such as long term unemployment. It allows the employee to build up their skills and experience, gain confidence, and therefore improve their overall employability to then move into a full-time permanent post. For people out of work and relying on Income Support I firmly believe that any job is better than no job and therefore, it is not surprising that for a small group (14%) of our jobseekers, a zero hours contract offers an opportunity to gain some paid work as a ‘foot in the door’ and is a positive step forward to full time work.

Jobs in Jersey is a part of the gov.je website that provides an easy way for employers to advertise roles to the public free of charge – in many cases the employer does not specify details about the role they are advertising such as salary or contract type. In some cases this may be because the employer has not yet made decisions about the specifics of a role, in other cases it may be that they do not want to share this on a public website. If Social Security were to require employers to give all information about every role in order to use the website for advertising, it could have a negative impact with fewer jobs being advertised through this useful mechanism. For this reason Social Security will not change the current way the system is used and recorded.

I can confirm that my officers will be working with the Statistics Unit to undertake further analysis of the zero hours contract figures reported in the Labour Market Survey.

## **2.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING PROJECTS FUNDED FROM THE PUPIL PREMIUM SCHEME: [1(285)]**

### **Question**

Further to his response to written question 1(258) on 2nd May 2017, will the Minister list the 50 projects which received funding from the Jersey pupil premium scheme, along with the numbers of pupils taking part in these projects and a breakdown of the sums spent, by school, in 2016 and, if appropriate, in 2017?

Will the Minister further explain what the “*initial evidence [...] of positive results for individual pupils*”, referred to in that answer, is?

### **Answer**

Please see a breakdown (attached) which provides details of the 50 pilot Jersey Premium projects that were completed in 2016. Evaluation of spend and analysis of impact for 2017 will be collated at the end of the year to assess the successful implementation of each schools strategy and action plan.

With regard to the “*initial evidence [...] of positive results for individual pupils*”, a number of different tools and assessment criteria were chosen by each school to measure the impact of their specific projects at a pupil level. The sensitive personal nature of the information prevents the Education Department from providing detail. However, as an example, a Reading Response intervention undertaken by pupils in Year 2 at a primary school proved extremely successful. Not only did it engage pupils and their families, the rapid improvement also developed a real sense of achievement in individuals who received the support. The first five pupils made accelerated progress of between 12 to 21 months over a three to six month period. As a direct result of this project, pupils are now able to access the curriculum for their year group alongside their peers. The school has expanded the programme to ensure more pupils who would benefit have access to this support.

School	Total JP Expenditure 2016
D'Auvergne School	£31,578
First Tower	£23,360
Grands Vaux	£50,596
Grouville	£10,469
Haute Vallee School	£55,566
La Moye	£12,437
Le Rocquier School	£22,680
Les Landes School	£8,497
Mont Nicolle	£23,907
Plat Douet	£27,938
Rouge Bouillon	£25,373
Samares	£23,017
Springfield School	£10,243
St Clement School	£11,794
St Lawrence	£884
St Luke's	£2,353
St Saviour School	£6,485
Trinity	£1,163
<b>Total</b>	<b>£348,339</b>

	Pilot project	Min no of pupils impacted
1.	Key Stage Leaders project to focus on developing quality teaching and learning	425
2.	Targeted Reading intervention for pupils in Key Stage 1 based on Reading Recovery principles	5
3.	Pupil Conferencing – a joint cluster project focused on writing for Years 5 and 6	21
4.	Foundation Stage Reading - Strengthening Early Reading	20
5.	Phonics – A project using technology to enhance phonics development	27

6.	Whole school family support (hardship, medical, social or family issues)	47
7.	Pupil Conferencing – a joint cluster project focused on writing for Years 5 and 6	43
8.	Focus on intervention delivery and co-ordination by a Senior Leader including pupil conferencing for Year 6	212
9.	Boosting literacy in Key Stage 1 using a reading recovery style approach	27
10.	Numeracy – Mathematics focus for Year 6	46
11.	Literacy – Boosting Talk, an early literacy programme	27
12.	Numeracy – Year 6 Maths	55
13.	Cooking enrichment –access to skills that children may not experience at home	29
14.	Pupil Conferencing – 1:1 discussions to share current learning experiences and set targets	8
15.	Nurture group for vulnerable students with SEBD	14
16.	Support for EAL learners within Science lessons	15
17.	Thinking in English – improving the delivery of English in Key Stage 3 through specific training and roll out of strategies in English lessons	45
18.	Year 11 Mentoring – 1:1 mentoring for targeted pupils providing revision assistance, progression advise and support with difficult issues.	18
19.	Pupil Conferencing – sustaining the feeder school/ cluster project in Years 5 and 6 by introducing pupil conferencing in Years 7, focused on writing	30
20.	Nurture facility for vulnerable learners to promote positive behavioural strategies	25
21.	EAL Support for Polish speaking pupils in Key Stage 2	5
22.	EAL Support for Polish speaking pupils in Key Stage 1	5
23.	Pupil Conferencing – 1:1 feedback and support for targeted pupils in Years 3-6 focused on writing and increased engagement	6
24.	Small group and 1:1 tutoring literacy intervention in Years 2, 3 and 4	24
25.	Boys writing support in Years 5 and 6	10
26.	ELSA delivered individualised programme for vulnerable pupils who have experienced trauma	9
27.	Summer school – Access for pupils joining in September 2016 and those in the current Year 7 and 8. 1 week enrichment activities aimed at improving transition and learning during the summer break	28
28.	Breakfast and after school club to provide access to a safe, calm environment before or after school that offers support for homework, well-being, food and resources.	32
29.	Enhanced Mathematics provision for targeted students in Years 8 and 11	126

30.	Training Senior Leaders to deliver interventions including Pupil Conferencing and Metacognition	180
31.	Link between senior leaders and partner schools in England to learn through shared experiences and linking this in the school's on-going improvement plan	110
32.	Numeracy – Mathematics based project delivered in Year 6 whilst also developing the Mathematics strategy for the school	71
33.	Tailored intervention for targeted pupils using metacognition methodology and literacy based programmes	48
34.	Literacy – Boys reading intervention based in Year 2	47
35.	Early Literacy – 'REAL' project in Foundation stage aimed at developing early reading in school and at home through parental engagement	84
36.	Pupil Conferencing – a joint cluster project focused on writing for Years 5 and 6	69
37.	EAL support – Additional support for pupils with English as an additional language	53
38.	Family liaison Co-ordinator – working with families who require support and removing barriers to learning for their children. This might include contact with multi agencies regarding social housing, health workers etc. Collaboration and co-ordination ensures these barriers are identified and removed as quickly as possible	43
39.	Transition project – increasing transition to a two week period at the end of the summer term. Enabling early access to secondary experiences for Year 6 pupils and the new year group	240
40.	Summer School – 3 weeks academic and outdoor activity programme for pupils, which aims to reduce the learning loss experienced over the summer holidays	30
41.	Breakfast Club – expansion of the breakfast provision aimed at investigating the impact of better eating prior the start of the school day, specifically where evidence has suggested some pupils have not eaten breakfast before coming to school	14
42.	Pupil Conferencing for all years focussed on English Mathematics and learning need target setting.	12
43.	Reading strategy for Key Stage 2	32
44.	Pupil Conferencing based on writing targets for pupils in Years 5 and 6	24
45.	John Muirs outdoor activity project aimed at building confidence of pupils previously nervous of residential activities or large group work	20
46.	Forest School – Outdoor learning and external visit - aimed at enhancing learning experiences for pupils not ordinarily accessing trips or the natural environment	49
47.	Early Language – Pre-school base project developing speech and language for younger pupils	5
48.	Literacy –Year 2 reading intervention programme for pupils and parents, co-ordinated by a skilled reading teacher	4
49.	Feedback in writing – Providing specific marking and feedback strategies focused on improving the quality of writing	23



50.	Emotional literacy based project providing small group wellbeing and self-regulation support to targeted pupils	3
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## **2.8 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR EDUCATION REGARDING THE RE-INTRODUCTION OF STANDARD ASSESSMENT TESTS AT PRIMARY-SCHOOL LEVEL: [1(286)]**

### **Question**

Will the Minister provide an explanation for the re-introduction of Standard Assessment Tests (SATs) at primary-school level; and advise what purpose such tests serve and how they are conducive to assessing the overall progress of an individual student in education?

### **Answer**

This year, in order to support teacher judgements and to build a complete picture of the progress pupils have made during the year, Year 6 pupils across the Island have completed Key Stage 2 English and mathematics standard assessment tests. This is a pilot taking place in all States schools and the majority of private schools.

The tests are being used because the curriculum changed in 2014 and, as a result of this, schools had to start using a new assessment system. Both elements of primary education are new, so it is important to double-check the effectiveness of our monitoring processes.

In Jersey, the tests are not being used in the same way as the UK. Ongoing assessment by teachers remains the main method of assessing how children are progressing. These tests will simply complement the work that teachers do with pupils every day, including the usual range of strategies that help build a complete picture of how pupils are progressing during the school year. The new tests will only be part of the child's overall progress report. Unlike in the UK, they will not be reported or listed separately.

The tests are low-key and schools have not been undertaking any additional preparations related to them. No SATs are being taken in Key Stage 1.

## **2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE SURVEY WHICH UNDERPINNED THE REPORT ENTITLED 'LIVING LONGER: THINKING AHEAD': [1(287)]**

### **Question**

Will the Minister inform members whether the report 'Living Longer: Thinking Ahead' was produced internally and state to what extent, if any, advice was sought from either the Statistics Unit or other external advisors on the neutrality of the questions and on the interpretation of the results of the survey on which the report was based?

### **Answer**

[Living Longer: Thinking Ahead consultation](#)

In October 2016, the Minister for Social Security launched the first part of a major review into income in retirement and the Social Security scheme.

“Living Longer: Thinking Ahead” asks for public feedback on the issues of income in retirement and the Social Security Scheme. It marked the start of a public conversation that will help to set the direction of Jersey’s Social Security scheme and how people save for retirement for the next thirty years.

### Income in retirement

People are generally living longer and healthier lives, and many more people enjoy active lives into their 80s and 90s. However, this raises the challenge of making sure that we will have enough income and savings to look after ourselves after we have stopped working.

The review looks to understand the public’s views on living longer and having a longer retirement so that the government can play the right role in helping people to save for their retirement in the future.

### The Social Security scheme

Alongside this, the review will consider the role of the Social Security pension and how the Social Security scheme could be adapted to people living longer.

Over the next 20 years, the number of people over 65 will double while the number of people under 65 will stay roughly the same. This will mean that the number of working age people supporting each pensioner will fall and, without any changes, the cost of pensions will outstrip the value of contributions. Most other developed countries are also facing this challenge now.

The Social Security scheme is based on a ‘pay as you go’ principle, which means that a person’s contributions are not saved in their own pension pot. Instead they are used to pay out the Scheme’s benefits, which is mostly the Social Security pension. Each generation relies on the next to pay for their Social Security pension.

The Scheme’s other contributory benefits protect people when they are less likely to be able to earn a living. For example, the scheme pays benefits to new mothers and to people when they are ill or disabled, and after the death of their partner. The Scheme does not pay for Income Support which tops up the income of households with low incomes who meet the appropriate work requirements and have lived in Jersey for at least five years.

### Consultation approach

The questionnaire aimed to explore in more detail the answers from the pension section of the 2015 Jersey Annual Social Survey, and people’s understanding and views about how the government could adapt the Social security Scheme to living longer during the 2020s.

The questionnaire included multiple choice questions and opportunities for free-text answers which gave people the opportunity to reply in their own words, and provided more information about the views and ideas of those who took part. Workshops were also held with interested members of the public and representatives from interest groups and the business community.

The consultation information and questions were produced by Social Security officers and tested with some members of the public before they were finalised. The approach taken in the questionnaire was discussed with the Statistics Unit. The design and printing of the consultation was carried out externally.

1,300 people responded to the questionnaire and Social Security officers held 13 workshops that were well attended by the public and representatives of interest groups and the business community. The views and ideas of the people who took part will be taken into account in the next stage of the review.

The Minister published a summary report, and a more detailed report, of the responses, comments and ideas on 15 May 2017 on the Social Security Review webpage ([www.gov.je/socialsecurityreview](http://www.gov.je/socialsecurityreview)).

Over the next few years, the government will build on the consultation comments and ideas, looking in more detail at: contributory benefits, the contribution rules for self-employed people, how working-age incapacity is assessed, and retirement income and saving (for example, workplace pensions).

**2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SURVEY WHICH UNDERPINNED THE REPORT ENTITLED 'MENTAL HEALTH QUALITY REPORT 2017': [1(288)]**

**Question**

Will the Minister inform members whether the report 'Mental Health Quality Report 2017' was produced internally and state to what extent, if any, advice was sought from either the Statistics Unit or other external advisors on the neutrality of the questions and on the interpretation of the results of the survey on which the report was based?

**Answer**

The Mental Health Strategy (2015) gave a commitment to producing better information about the quality and performance of the mental health system. In particular, there was a commitment to produce a Quality Report. Following a national procurement process, a team of external providers led by Dr Richard Ford from Mental Health Strategies ([www.mentalhealthstrategies.co.uk](http://www.mentalhealthstrategies.co.uk)), which has worked widely on policy development and service transformation in the NHS, was commissioned to help produce the report.

A local project group was set up to manage the piece of work. Members of the project group in addition to the expert provider included Directors from Community Social Services, Head of Informatics from Health & Social Services, Executive Director MIND Jersey, Chief Nurse, the Deputy Director Commissioning, and with input from the Public Health Intelligence Unit (now part of the Statistics Unit).

The Project Board agreed the process used to develop the Quality Report, which included a literature search for best practice and a series of three workshops which were used to identify a locally owned framework of indicators and measures based on what was felt to be most meaningful locally. Attendees at the workshops included people from across government departments – including the Statistics Unit - as well as representatives from General Practice, Community Voluntary Sector and people with lived experience. The names of people who attended the workshops are included in the back of the Quality Report including which organisation they represented.

A draft framework of indicators and measures was consulted on, via workshop delegates, during December 2016 and a revised framework was then signed off by the project board in early 2017. The narrative contained within the Quality Report was drafted by the Mental Health Strategies team with guidance and editorial input from the Project Board.

The report contains data sources from across Government and also Community Voluntary Sector. This allows the report to give a system-wide view that to date has not existed in one document.

The final draft of the Quality Report was presented to the Children and Vulnerable Adults group for discussion and support ahead of publication on May 15th 2017.

## 2.11 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE ROLE OF JURATS IN A *REMISE DES BIENS*: [1(289)]

### Question

Further to a response given on 14th June 2016 to a question regarding the rôle of the Jurats in a *remise des biens*, will H.M. Attorney General provide members with the details of the rôle of Jurats, from the time of their appointment by the Court to the final payment of creditors, including their interaction with the subjects of the *remise*; and will he further explain the meaning of the term ‘*bon père*’ in the context of a *remise*?

### Answer

The Deputy’s question differs little in substance from the first part of the question on 14 June 2016 to which the Deputy refers, which was as follows: “Will Her Majesty’s Attorney General advise what the role of the Viscount’s office and the Jurats is in a *remise des biens*”. The following answer therefore inevitably repeats much of the answer that was given on that occasion.

*Remise des biens* is an insolvency remedy available to a debtor who owns Jersey land which, if sold, may be sufficient to repay in full the debts due to his or her secured creditors. It is a process by which the debtor may obtain permission to remit (entrust) his or her property into the hands of the hands of the Court. Only a debtor can apply for permission, and the Court has a discretion whether or not to grant the remedy. The advantage for the debtor who obtains permission is the chance of avoiding the potentially harsher consequences of a declaration of *désastre* or the ordering of a *dégrévement*.

The first stage of an application is that the Court appoints two Jurats to investigate the debtor’s assets and liabilities. The Jurats then have 15 days within which to report back on whether a *remise* would be worthwhile, in other words, whether the value of the property would exceed the secured claims on it. It is on the strength of this report that the Court decides whether or not to grant permission.

If the Court does grant permission, two other Jurats are appointed by the Court to sell the property and distribute the sale proceeds to the creditors. This process normally takes six months but can be extended to one year. Part of the reason for the relatively short timescale is that interest will accrue against secured debts which may erode or even exhaust any surplus. The six month period is not intended to effect a fire sale but a sensible period of time to achieve a realistic price in the context of increasing debts and creditors. The Jurats will aim to achieve the best sale price they can for the property, normally by sale on the open market. They must ensure, however, that the sale proceeds are enough to pay the secured creditors. If they cannot, the *remise* will fail and (as mentioned already) another insolvency procedure like a *désastre* or *dégrévement* may follow. While the Jurats are responsible for the sale of a property and distributing the proceeds to the creditors, they are assisted by a member of the Viscount’s insolvency team who provide support.

In terms of the Jurats’ ‘interaction with the subjects of the *remise*’, the Loi (1839) sur les remises de biens (Article 5) provides that whoever has obtained permission to remit his or her property into the hands of the Court may not act other than according to the advice and counsel of the Jurats authorised to examine the said property. The debtor has a duty to assist the Viscount and the Jurats. The precise extent of communications and dealings with the debtor will depend on the circumstances and the nature of the property or properties concerned.

In terms of the duty to act *en bon père de famille*, this expression encapsulates the duty in Jersey law on any trustee or administrator of another's property to discharge his or her functions diligently and prudently. The obligation is common to fiduciary offices in Jersey law, in which guardians *ad litem* and *tuteurs* are under the same obligation to act *en bon père de famille*.

At the end of the process, if the *remise* is successful, then a debtor will be discharged from all his or her debts, including those of unsecured creditors who may not have been paid.

Therefore, a *remise* can be a beneficial procedure for a debtor.

**2.12 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING HUMAN RIGHTS AUDITS UNDERTAKEN IN RESPECT OF THE PRACTICES AND PROCEDURES OF JERSEY'S COURTS AND TRIBUNALS: [1(290)]**

**Question**

Further to the answer to written question 1(260) of 2nd May 2017, will the Chief Minister explain when the Judicial Greffe arranged for each of the Human Rights audits of the practices and procedures of Jersey's courts and tribunals to be carried out, by whom they were carried out, and where the findings of these audits can be examined?

**Answer**

The former Judicial Greffier, requested Advocate John G P Wheeler, the former Master of the Royal Court, to carry out an audit of the functions of Judicial Greffe, the Viscount's Department and the then Office of the Data Protection Registrar. The various reports prepared by Master Wheeler date between 2nd January 2001 and 8th May 2002.

Application to view any report relating to the Judicial Greffe should be made to the Judicial Greffier, any report relating to the Viscount's Department to the Viscount and to the former data protection Registrar to the information Commissioner.

**2.13 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DUTIES AND TARGETS ASSIGNED TO THE FORMER ASSISTANT CHIEF MINISTER WITH RESPONSIBILITY FOR FINANCIAL SERVICES, DIGITAL, COMPETITION AND INNOVATION MATTERS: [1(291)]**

**Question**

Will the Chief Minister provide members with the details of the specific duties and targets, if any, he assigned to the Assistant Chief Minister with responsibility for Financial Services, Digital, Competition and Innovation matters appointed in November 2014, either upon the Assistant Chief Minister's appointment or subsequently; and will he further provide the details of what particular outcomes the Assistant Chief Minister achieved in those areas of responsibility before he resigned?

**Answer**

During his period of responsibility for Financial Service, Digital, Competition & Innovation Senator Ozouf was tasked with policy development and delivery across these areas, helping to support the overall aims of the Council of Ministers, and in particular, to improve the performance of our economy. He vigorously pursued progress across all of these areas and has made good on delivery against a wide range of objectives. The table below summarises:

	<b>Activity</b>	<b>Outcomes</b>
<b>Financial Services</b>	<p>Political leadership of this sector to implement widespread change across Jersey Finance, Jersey Financial Services Commission, States of Jersey Financial Service Unit and other related functions.</p> <p>Primary objectives were set out in the 2014 Financial Services Framework that Senator Ozouf was heavily involved in developing with Ministerial colleagues, officers and other stakeholders.</p> <ol style="list-style-type: none"> <li>1. Maintain and promote Jersey’s position as a leading international finance centre;</li> <li>2. Ensure the financial services industry is adequately resourced;</li> <li>3. Maintain employment in the industry at &gt;12,000 in the short term and aim to grow this position over 4 years to 2018 in line with immigration policy</li> <li>4. Contribute to the Island’s GVA and tax revenues to the benefit of island residents;</li> <li>5. Comply with international standards and initiatives having global application;</li> <li>6. Effective co-ordination between the government, regulator and industry;</li> <li>7. Maintain an attractive operating environment for existing and new businesses across existing and potential new sectors of the financial services industry.</li> </ol> <p>These measures have been delivered through extensive engagement with industry members in Jersey, UK and beyond.</p> <p>Senator Ozouf has also engaged extensively in promoting the reputation of Jersey amongst U.K. Parliamentarians and officials as well as selective engagement with overseas markets.</p>	<ol style="list-style-type: none"> <li>1. Jersey continues to be held in highest regard as an IFC by knowledgeable commentators, investors, financial market participants and international standard setters such as OECD, Moneyval</li> <li>2. Worked with Jersey Finance, industry members and HAWAG to ensure appropriate availability of licenses whilst upholding opportunity for island citizens</li> <li>3. 13,080 employees at 31/12/16 according to States of Jersey Labour Market survey</li> <li>4. Finance industry contributed 41.7% of GVA in 2015 according to last analysis by SoJ Statistics Unit. This equates to £139,000 per employee, more than double the total GVA per employee across all sectors. Actual GVA contribution in 2013 was £1.548bn vs £1,713bn in 2015.</li> <li>5. Moneyval (Council of Europe) assessment of Jersey in 2015 was amongst the highest possible with 48 Compliant or Largely Compliant ratings out of 49 criteria. Report included comment that ‘Jersey in a leading position in meeting standard of beneficial ownership transparency.’ OECD Global Forum assessment in January 2016 - results awaited after October 2017 Plenary but fully expect maintained rating of Largely Compliant.</li> <li>6. Effective relationship management of / with Jersey Finance and the Jersey Financial Service Commission. Constructive dialogue has ensured effective and responsible development of the sector. Delivery of new legislation.</li> <li>7. Success attracting new firms into the island within fund management, trust company, fund administration and support services.</li> </ol>

<b>Digital</b>	<ol style="list-style-type: none"> <li>1. Political responsibility for the nascent digital sector and for Digital Jersey (“DJL”)</li> <li>2. Extensive engagement with DJL Board, management, stakeholders and community to effectively develop and promote the sector.</li> <li>3. Various speaking engagements in support of this nascent sector</li> <li>4. Research and development of digital trends and opportunities</li> </ol>	<ol style="list-style-type: none"> <li>1. Political leadership and support for DJL team, including appointment of CEO, and helped to break down government boundaries ahead of new initiatives e.g. Digital Health</li> <li>2. Personal support at events in Jersey, UK and beyond to promote cluster opportunities</li> <li>3. Development of the Digital Policy Framework together with SoJ officer team. Launched earlier in 2017 just after Senator Ozouf resigned his position.</li> </ol>
<b>Competition and Regulation</b>	<ol style="list-style-type: none"> <li>1. Responsible for government policy on competition</li> <li>2. Political Oversight of JCRA/CICRA including agreement of planned work programme and ensuring effective delivery of competition objectives</li> </ol>	<ol style="list-style-type: none"> <li>1. Implementation contributed to the suppression of cost inflation</li> <li>2. Conceived and drove the Sir John Vickers Oxera review that has helped to establish a new approach for regulating competition.</li> <li>3. Review concluded into energy markets, including gas market.</li> </ol>
<b>Innovation</b>	<ol style="list-style-type: none"> <li>1. Political responsibility for Innovation policy</li> <li>2. Delegated responsibility for the Jersey Innovation Fund (Senator Ozouf’s involvement with the Jersey Innovation Fund has been addressed in the recent QC report)</li> </ol>	<ol style="list-style-type: none"> <li>1. Commissioned Tera Allas review of innovation to seek fresh thinking on how government might usefully support entrepreneurship and growth, including action plan to implement necessary change, and secondeed resource from private sector to support prioritisation and delivery of review findings.</li> </ol>

**2.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE WORK-DIARY AND TRAVEL OF THE FORMER ASSISTANT CHIEF MINISTER WITH RESPONSIBILITY FOR FINANCIAL SERVICES, DIGITAL, COMPETITION AND INNOVATION MATTERS: [1(292)]**

**Question**

In relation to the Assistant Chief Minister with responsibility for Financial Services, Digital, Competition and Innovation matters who was appointed in November 2014, will the Chief Minister publish the work-diary of that Assistant Chief Minister, from the date of his appointment to his resignation, showing whom he met, when and where he met them, and for what purpose; and will he also confirm the amount of travel that the Assistant Chief Minister undertook, the cost of any such travel and how many air miles, if any, he personally acquired from any such travel?

## **Answer**

Whatever the differences over policy or personality, Senator Ozouf's work ethic and commitment to Jersey are clear. Since his appointment as Assistant Chief Minister, Financial Services, Digital Competition and Innovation, Senator Ozouf has overseen and taken responsibility for a wide ranging, intensive programme of meetings, speaking engagements and conferences in Jersey, the UK and overseas. In addition, Senator Ozouf attended significant numbers of meetings with island organisations on local issues. These meetings will be listed and provided to States Members as requested.

On 10 June 2016 the States of Jersey published a review of Travel Policy and Recommendations for Improvement. Appendix 2 of the review contains a breakdown of flights expenses and accommodation booked for civil servants and States Members during 2014 and 2015:

<https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=2106>

Travel and Entertainment Expenses for Ministers and Assistant Ministers are also published on an annual basis:

<http://www.statesassembly.gov.je/AssemblyReports/2015/R.108-2015.pdf>

<http://www.statesassembly.gov.je/AssemblyReports/2016/R.117-2016.pdf>

Senator Ozouf has always had a policy of using any Avios miles gained through his States business to reduce the cost of travelling on States business.

## **2.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE ODOUR-CONTROL SYSTEMS TO BE FITTED TO THE NEW SEWAGE TREATMENT WORKS AT BELLOZANNE: [1(293)]**

### **Question**

Further to his answer to oral question 1(266) on 2nd May 2017, will the Minister confirm for members what odour-control systems will be fitted to the new sewage treatment works to be built at Bellozanne and state the extent to which they will eliminate all odours discernible by nearby residents; and will he also inform members of the cost of any such odour-control systems, and the overall estimated cost of the total sewage treatment works?

### **Answer**

Most of the answers to this question can be found on the Planning website using the following link;

<https://www.mygov.je/Planning/Pages/PlanningApplicationDocuments.aspx?s=1&r=P/2017/0309>

The section on Odour can be found under 'Other Documents', 'Environmental Impact Statement Pt 9', pages 13.1 to 13.19.

However, in summary, Odour Control Units (OCUs) will be fitted to the new inlet works and Tanker Import Facility (TIF). These will supplement the OCUs that currently treat odour from the existing sludge tanks.



The inlet works OCU will include the following:

- Initial discharge collection chamber
- Screens
- Grit Removal
- Storm overflow chamber
- Primary Settlement Tanks distribution chamber
- All channels connecting the above
- Skip building (screenings and grit handling).

The TIF OCU will include the following:

- Tanker discharge enclosure
- Tanker discharge reception hopper
- Liquor balancing tank.

These units will treat the odour generated at the points where raw sewage and imports from septic tanks and other sources arrive at the STW site. These are the most odorous processes of the STW and the odour from these parts of the site will be reduced by over 90% compared with leaving the same structures open to the atmosphere.

Across the new STW site as a whole, odour will be reduced by 18% compared with the current site. Odour modelling has predicted the impact on nearby residents using the following levels of odour concentration to define the number of properties affected.

<b>Exposure criteria</b>	<b>Description</b>
$\geq 1.5 \text{ ou}_E/\text{m}^3$	Virtually undetectable
$\geq 3 \text{ ou}_E/\text{m}^3$	Arbitrary split between the two limits
$\geq 5 \text{ ou}_E/\text{m}^3$	Often used in UK planning conditions as a boundary standard. Generally not noticeable and unlikely to cause complaint. Complaints typically start at levels of $10 \text{ ou}_E/\text{m}^3$

The attached two maps show the results of the modelling for the ‘2016 existing site’ and for the ‘2016 proposed site’ with the properties covered by the  $5 \text{ ou}_E/\text{m}^3$  boundary condition in both cases indicated.

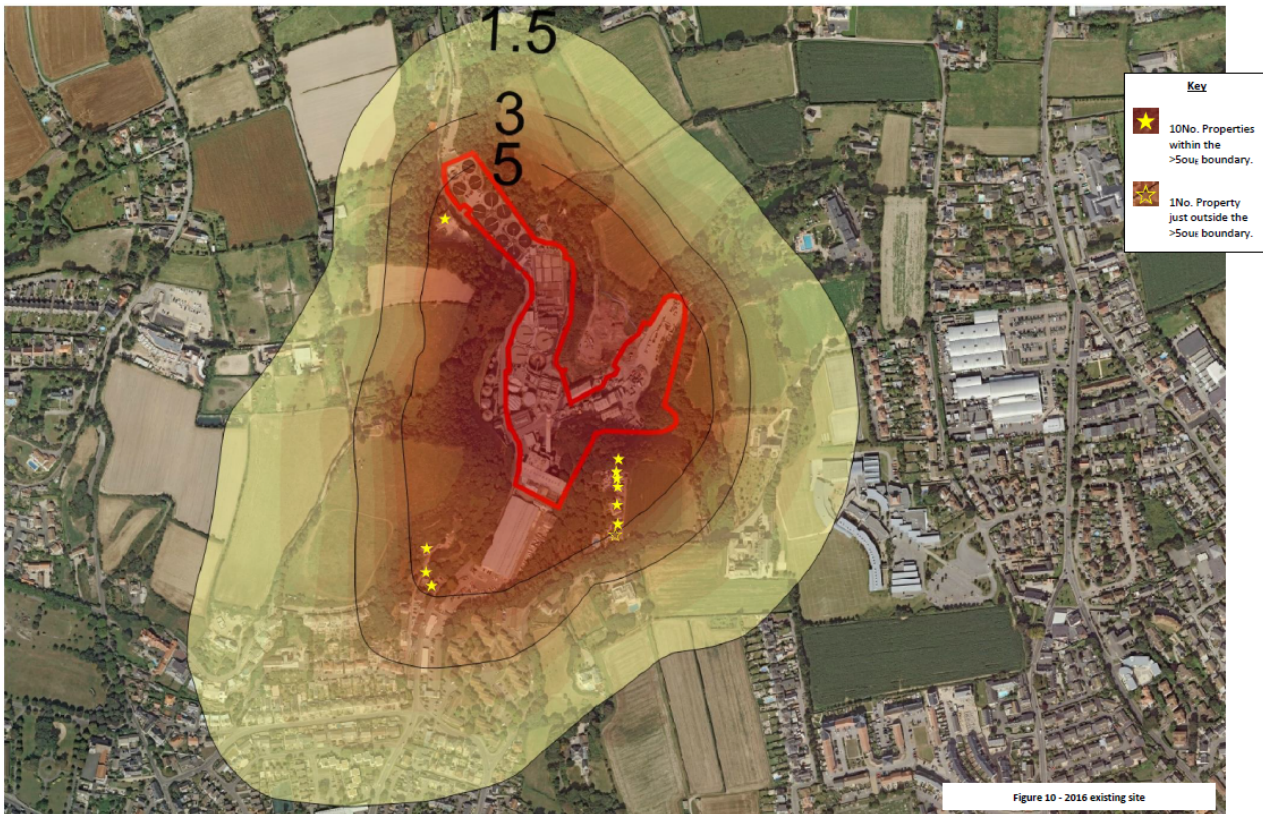
The type of odour control plant to be used will only be confirmed during the initial detailed design phase (November 2017 to March 2018) but is likely to be either a biological or carbon based media.

The current estimate for the proposed odour control installations is £2.75m with the overall cost of the total sewage treatment works budgeted at £75m. This includes all enabling works such as hillside removal and clinical waste incinerator re-location, but doesn’t include covering and odour controlling primary settlement tanks which is estimated at a further £4.12m.

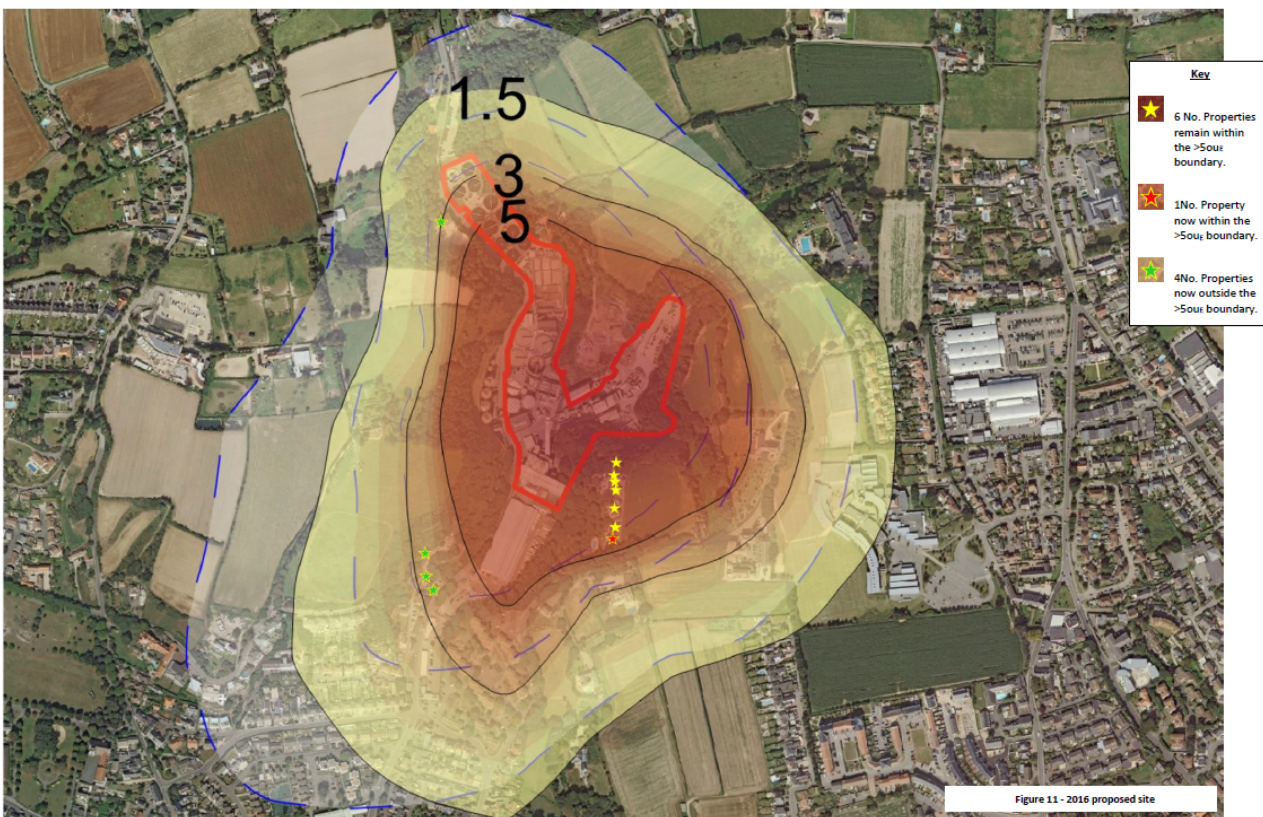
Attachments:

Large Scale Odour Plan – 2016 Existing Site

Large Scale Odour Plan – 2016 Proposed Site



Appendix A - Large Scale Odour Plans



Appendix A - Large Scale Odour Plans

**2.16 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE MINISTERIAL SUB-COMMITTEE TASKED WITH FINDING A SOLUTION TO THE PROBLEMS OF FINANCING STUDENTS: [1(294)]**

**Question**

Further to the presentation on 15th March 2017 of the Education and Home Affairs Scrutiny Panel's report 'Tertiary Education: Student Finance' (S.R2/2017), will the Chief Minister advise when his Ministerial Response to that report will be presented to the Assembly, and will he publish the terms of reference and an update about the progress of the Ministerial Sub-Committee tasked with finding a solution to the problems of financing students?

**Answer**

A response to the Scrutiny Panel's report will be provided shortly and before the end of the month, inclusive of the terms of reference, which covers the different options being explored, with a progress update provided later in the year.

**3. Oral Questions**

**3.1 Connétable C.H. Taylor of St. John of the Chief Minister regarding the reasons why the Assembly was not informed of the agreement to increase the level of risk of loans from the Jersey Innovation Fund of not being repaid from 10 per cent to 50 per cent: [1(297)]**

Further to a meeting held in March 2014 (described on page 28 of R.45/2017 and attended by the Chief Minister), which led to the formulation of Financial Directions for the Jersey Innovation Fund and an agreement to increase the level of "risk" on loans not being repaid from 10 per cent to 50 per cent, will the Chief Minister explain why this was done without the Assembly being informed?

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

This matter was raised at a Public Accounts Committee meeting hearing last week. In that hearing it was acknowledged that the Assembly should have been informed that the Financial Direction estimated the level of risk of failure at 50 per cent. Although the timing just before an election was difficult and I do not believe any further decision was needed, a statement or report could have been provided and it was not.

**3.1.1 The Connétable of St. John:**

I do not feel the question has been answered but I will continue. Does the Chief Minister not agree that had the figure of 50 per cent been given when the debate took place many Members may have voted differently?

**Senator I.J. Gorst:**

That may be a conclusion of some Members who supported the creation of the Jersey Innovation Fund.

[9:45]

But other Members during that debate in their own comments said that they thought that while there was no agreement for a specific failure rate in the actual proposition they themselves talked about a 50 per cent failure rate. Some spoke about a 70 per cent failure rate. The Minister, when he was before Scrutiny, spoke about a 70 per cent failure rate. The question perhaps should be which - and which now with hindsight - was the correct rate. Now we see with hindsight that the

50 per cent rate that when Treasury started to look at how you could deliver this type of funding to these innovative ideas, it was going to lead to that sort of failure rate.

### **3.1.2 Connétable J.E. Le Maistre of Grouville**

Could the Minister tell us who made the decision to increase the risk level from 10 per cent to 50 per cent?

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

That is another good question. Looking through the Hansard of the Public Accounts Committee hearing - and some Members of this Assembly were there - it is clear that the Innovation Fund Board came and made the suggestion that the idea of 10 per cent or 20 per cent did not work. They proposed that it should be increased to 50 per cent, as the former chairman said in his hearing. They proposed that at a meeting that I was at. I have got to say I think that is a reasonable assessment of how these types of investments function from experience elsewhere. Then that conversation, together with further work that Treasury and Economic Development did, led to it being put into the Financial Direction.

### **3.1.3 Deputy G.P. Southern of St. Helier:**

Surely the criterion used to set up the Innovation Fund was not hindsight but setting up proper procedures, checks and balances within the system correctly, so that these sort of problems could be ironed out beforehand. Is that not the case? Does the Chief Minister not agree?

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

I am not sure what sort of problems he is wanting ironing out. The proposition did not have a failure risk percentage included in it. The report of course we know did. There were suggestions in that report of 10 per cent. The Minister for Economic Development, while at a Scrutiny hearing, suggested a 70 per cent figure, as was explained post that, would be a realistic figure for those who not only just failed but did not reach their full potential. I think it was right to say that there would potentially be a 50 per cent failure rate. The problem is, as the Comptroller and Auditor General suggested, that that was not relayed back to this Assembly in an appropriate way. Again, we know from the hearings last week that the suggestions were that both the board felt that you would not get that through prior to the election because the time period was too long, and it was therefore not acted upon. That is where the problem arose.

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

Supplementary. The steer perhaps that the Chief Minister wants from me is that there should have been measures put in place in setting up the scheme that no political pressure could have been brought by any political members surrounding this scheme on the board members themselves because we now hear that they were subject to political pressure, did he not realise that?

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

I do agree with that and I was surprised to see that in the Hansard of the hearing of the Public Accounts Committee and that is something that I am going to consider and investigate further because there should not be, in regard to individual decisions like that, political pressure. The whole point of having the expert innovative board was that they would get independent advice and then they would make the recommendation to the Minister. That should have been the point that there was ministerial involvement, not the other way round.

### **3.1.5 Deputy K.C. Lewis of St. Saviour:**

While we support new business, does the Chief Minister believe the failure rate between 50 and 70 per cent is acceptable with public funds?

**Senator I.J. Gorst:**

If we are not prepared, and I have not heard Members say they were not prepared to accept the 50 per cent rate, with hindsight the question is: how was the figure in the report that then a different figure was put in the Financial Direction, and the States were not informed of that, that should not have happened. But if we wanted to invest in innovative ideas, innovative companies, you have to accept that level of risk. That is what elsewhere shows us. Banks do not invest in these innovative start-up ideas for the very reason that they have a responsibility to shareholders not to put that level of risk on their funds. That is why governments set up innovation funds, like the one that this Assembly approved.

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

To what extent does the Chief Minister believe that his inability to put into action and bring to the States his decision to transfer responsibility to the Innovation Fund to his Assistant Minister in his department, why that took 13 or 14 months to bring it to fruition? Surely the Chief Minister himself must hold some responsibility for that absence of steering the responsibility.

**Senator I.J. Gorst:**

It depends how one wants to think that the Chief Minister might have been responsible. With hindsight - and hindsight is a pleasant experience to have, finding fault with others - perhaps I should have pushed the Scrutiny Panel to undertake their work quicker than they did, but I wanted to work with the Scrutiny Panel. They wanted to undertake reviews. There is documentation on file where they were asking me, first of all, not to lodge the changes, then to lodge the changes so they could do reviews. They did 2 reviews. My approach is a consensual approach. I do not like to see division between Ministers and Scrutiny. With hindsight, perhaps I should have pushed for the debate and then allowed Scrutiny to review it within the 6 weeks. Of course Members can say, well, therefore I was at fault. In that regard I was at fault.

**3.1.7 Senator S.C. Ferguson:**

With regard to the business of political pressure, will the Chief Minister investigate that and report back to the States as to where the political pressure was coming from?

**Senator I.J. Gorst:**

I have already indicated that I wish to investigate that further. I am not sure whether I will be able to conclude that, bearing in mind the former chairman, when asked at the Public Accounts Committee, said that he was not prepared to issue further comment.

**3.1.8 Deputy M. Tadier of St. Brelade:**

The Chief Minister talks about the power of hindsight but could he talk to us about the power of foresight? Was there at any point during the establishment of this framework the foresight to see the obvious problem when you change from a relatively low risk threshold to one of 50 per cent where these companies cannot even get loans from a bank because their businesses are so risky but government will quite happily throw money at them? Is there not some foresight among Ministers at the time to see that there are obvious problems on the horizon?

**Senator I.J. Gorst:**

That question gets to the fundamental heart of whether governments are going to step in and support innovation in a way that the private sector does not and cannot for the reasons that I have suggested. The board were quite clear and again the former chairman was quite clear appearing before the Public Accounts Committee last week, that had one taken what was in the report, the figure of 10 per cent, as I say, not in the proposition, rather than a more appropriate in-depth look at

what the potential failure rate would be, which the Treasury function then undertook, one would not be supporting innovation. It is a straightforward decision. The board said that. They came and told Ministers and officials that and experience elsewhere shows that. So some Members were not in favour of supporting innovation; that is absolutely right. But these types of companies, this type of approach, we should expect that rough percentage of failures.

**Deputy M. Tadier:**

Can I raise a point of order? Just for the record in future, I do not wish to pick a fight here, but for future reference, and we do only have 10 oral questions today. I think there has been a previous ruling by a previous speaker that supplementaries should be allowed because it is within the supplementary questions from individual Members that one teases out the information. I just wanted to put that on record.

**The Bailiff:**

I do not think it was a position of generality that was being expressed on the last occasion. I think it was expressly being said in relation to the election of Ministers or panel chairmen, I forget which, and it is not a point of general application.

**3.1.9 Deputy J.A.N. Le Fondré of St. Lawrence:**

Could the Chief Minister, given his earlier comments, confirm that even at the end of April 2015, which is some 5 months after his initial proposals for the transfer of functions, the Corporate Services Scrutiny Panel was still seeking clarity from the Chief Minister as to what his final proposals were?

**Senator I.J. Gorst:**

It is not going to be useful for the chairman and myself to argue across the Assembly. Of course there was a change, and that is quite clear from the Q.C.'s (Queen's Counsel) report, that I had initially intended to create the post as a ministerial post within the Chief Minister's Department. That would have been my ideal situation. That came across those people who did not want to deliver that and said: "Why not just do an Assistant Minister?" But the chairman knows that they, in Corporate Services Scrutiny Panel, if my memory serves - and I could be corrected - had sight of the proposed changes prior to that date.

**3.1.10 Deputy J.A. Martin of St. Helier:**

In hindsight, can the Minister remember when this chaos was going on nobody knew who was running the show, did not one of his Ministers, or Assistant Minister who should have been in charge, come to the Chief Minister and say: "This is not working"? And if it was not working why did the Chief Minister not put in the right person with the responsibility at the time until the rules were changed? Why did he ignore it and just keep going as it was?

**Senator I.J. Gorst:**

I did not ignore it. I think it is clear from the confusion in the Q.C.'s report that I tried to ensure that responsibility was clarified but legally we were at the position that we were at, and it is not just about a legal position of course, it is the working of officers within a department that were sharing information and providing information to only one of those individuals rather than what would have been appropriate, the 2 of them, so that they could have made properly informed decisions. It is quite clear from the report. The Chief Minister works with goodwill and persuasion when he is outside of the legal responsibilities. So I was trying to work to alleviate that situation but it is quite clear from that report that that confusion, because of what I have just said about who was being given information and from whom information was being withheld, it continued.

### **3.1.11 The Connétable of St. John:**

The Chief Minister has accepted responsibility for not reporting back to this Assembly over the increase in risk. You said there was a failure. There was also a failure to put into place the ability for the fund to benefit from equity growth in those businesses that were successful. Again, another failure. The Chief Minister, or any Minister, is responsible for his Assistant Ministers and as his Assistant Minister was responsible for the fund would the Chief Minister therefore accept that it was ultimately his responsibility and may I suggest he think carefully what he does about it?

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

We can quite easily use this report for political point scoring, for personality beating up, for suggesting that the Chief Minister should act in a presidential style across all departments, and that the Chief Minister's word should be the writ of law, as the Constable has just tried to do by suggesting that I should have said that departments and officers in departments should have done something and when they have not done it, despite what the law says, I personally should be responsible.

[10.00]

We do not have a prime ministerial or a presidential system. I do not for one minute think that the Constable wants that system because he has voted against changes and suggested he would not support changes to the ministerial system. If the Constable reads the report, and I think he was ... and reads the hearing of Hansard of the Public Accounts Committee, he will see that that quite clearly shows that there were failures of the officers in the Economic Development Department. The reports say that. Although we have now published the report into ministerial responsibility and action has been taken, there is further report into the responsibility of officers in that regard. Just because somebody comes into my office and has a conversation with me and asks my opinion, as they did about the risk of failure, it does not mean I am the decision maker. Under the law others are the decision maker. People ask my opinion on all sorts of things but I am quite clear about where legal responsibility and who is the decision maker absolutely lies. In both of those points that the Constable ... I see others shaking their heads. This is the system that we work in. If Members want to see a different system then I say let them propose it. I have seen from this report the changes that I think need to be made to this system to improve it and I ask Members to get behind those changes.

### **3.2 Deputy M. Tadier of the Minister for Health and Social Services regarding whether he would require the Medical Officer of Health to issue an apology and correction following a statement to BBC Radio Jersey in relation to 'Cannabis: the Evidence of Medical Use': [1(298)]**

Given the contents of *Cannabis: the Evidence for Medical Use* (in particular pages 31 to 33), will the Minister require the Medical Officer of Health to issue an apology and a correction following the Medical Officer's statement to BBC Radio Jersey on 3rd May 2017 that: "There is no evidence [in the Barnes Report] that smoked cannabis is effective"?

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

No.

#### **3.2.1 Deputy M. Tadier:**

It is unfortunate that the Minister gives such a short response in the negative because be under no illusion that the Medical Officer of Health went on the radio and misled the public by stating something which was categorically false, either because she had not read the report and understood

it correctly or otherwise. Now this is a very serious matter given the fact that 8.15 in the report, quite early on, states clearly that: “Smoked marijuana, including other forms of it, have all been shown to be efficacious to various extents in a variety of pain settings in good quality studies.” They concluded: “There is good evidence for efficacy of cannabis for pain relief in various formulations and in a number of settings (my emphasis) including smoked marijuana.” So given the fact that it is demonstrable that the Medical Officer of Health has misled the public and circulated an email clarifying to States Members, would she not put on record publicly her correction and her apology?

**Senator A.K.F. Green:**

The Medical Officer of Health is an independent person. She has absolutely nothing to apologise for. In fact, I thank her for her advice and her other professional colleagues that have provided through the Misuse of Drugs Advisory Council, that advice has enabled me to propose removing the legal barrier currently preventing the medicinal use of cannabis. As a fully qualified specialist in public health medicine, she is entitled, and in fact I think required, to express her own independent review. I would not expect otherwise. It is very convenient to quote parts of the Barnes Report, however in the conclusion it stated that medical recommendation would be that cannabis should not be taken as a smoked product.

**3.2.2 Deputy M. Tadier:**

Of course no current Medical Officer is going to suggest that it is smoked. But that is not what she said. While she might be entitled to her own views she is not entitled to her own facts. The fact is that the report said there was clear evidence that smoked marijuana is effective in a variety of settings for pain relief and it cited 4 good quality studies. Yet, she went on the radio publicly, in the name of the Minister, to say that there was no evidence in the Barnes Report that it was effective. It is categorically untrue. This is not a political issue. It is a matter of fact which she needs to correct publicly. She stated incorrectly publicly one thing and she should be going on record to state and clear up that misapprehension. Is that not simple in the mind of the Minister?

**Senator A.K.F. Green:**

The simple matter is that the Medical Officer of Health has a professional view. She equates it to mean it would be just like ... there are only 5 studies not 4. Five very small studies on smoking and the evidence of the effectiveness of this was very clearly explained and summarised in the end report. The reason there is so little scientific evidence about the effectiveness of smoked cannabis is because among 20,000 references reviewed by the Barnes Report... is because it is considered unethical to do trials where people are required to consume a substance that is recognised as harmful, that is the smoke, which is known to be carcinogenic. It would be just like doing trials of alcohol consumption and saying: “Well, it made their pain improve” as well it might have done, albeit while they were intoxicated. But that would not be good grounds for doctors to start recommending alcohol as a safe and acceptable treatment for pain control.

**3.2.3 Deputy G.P. Southern:**

The issue here is not the legalisation of cannabis or otherwise. It is the quote taken from expert advice, taken out of place and wrongly. So the Barnes Report states clearly: “We conclude that there is good evidence for efficacy of cannabis for pain relief in various formulations and in a number of settings.” Good evidence. Yet our own officer denies this. Will the Minister then point out and remind Members of the public that this evidence exists and will he publicise the findings of the Barnes Report?

**Senator A.K.F. Green:**



The Barnes Report is available to anybody that wants to go online and click on that particular report. But it is very convenient, is it not, to score points against an officer that cannot stand up for themselves? They always conveniently forget the end of the recommendations. The medical recommendation would be that cannabis should not be taken as a smoked product. I do not think it could be clearer than that.

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

The question was to the Minister and not to the officer. Will the Minister take responsibility for spreading the word that there is good evidence of pain relief through cannabis?

#### **Senator A.K.F. Green:**

There is good evidence of pain relief through cannabis, that is why we are considering bringing products forward. But it does say in the Barnes Report it should not be taken as a smoked product.

#### **3.2.5 Deputy M. Tadier:**

Does the Minister accept that smoked marijuana, as stated by the Barnes Report, says that there is good quality studies and evidence that smoked marijuana does provide effective pain relief? Yes or no.

#### **Senator A.K.F. Green:**

What I accept is the conclusion in the report, looked as a whole, is that the recommendation will be that cannabis should not be taken as a smoked product and that is because of the known carcinogenic effects.

### **3.3 Deputy J.A. Martin of the Chief Minister regarding the date on which Senator P.F.C. Ozouf received a letter of appointment as Assistant Chief Minister in November 2014 [1(295)]**

Will the Chief Minister advise whether Senator Ozouf received a letter of appointment as one of his Assistant Ministers on 4th November 2014, before the Council of Ministers and Scrutiny Panel chairmen were appointed?

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

Yes, that is correct. I was re-elected as Chief Minister on 3rd November and the following day I wrote to each ministerial nominee, appointed Senator Ozouf as an Assistant Minister, and tabled before the Assembly my nominations including an outline of the position in respect of Senator Ozouf.

#### **3.3.1 Deputy J.A. Martin:**

Is this a usual practice? Would not the Chief Minister normally wait for his Council and have a discussion and, secondly, did he appoint his other Assistant Minister on 4th November with an appointment letter?

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

I think it is fair to say it is not usual because in this instance at that point I was both the Chief Minister Designate for the new term of office and the Chief Minister, because the Chief Minister remains Chief Minister even while there has been a Chief Minister Designate appointed until the final Minister is appointed. So in this instance I was able to appoint Senator Ozouf as an Assistant Minister but I think it is potentially something that P.P.C. (Privileges and Procedures Committee) might want to look at into the future because any new Chief Minister that is retiring or not been re-elected would only be able to appoint them then for a set number of 2 or 3 days, depending on how

long that process took. So it is an anomalous situation where you have one Chief Minister then becoming the next Chief Minister, and I will be speaking to P.P.C. to see if they want to make any changes to that particular piece of legislation.

### **3.3.2 Deputy J.A. Martin:**

Would the Chief Minister not agree that ... I see the Chief Minister's point that he was already Chief Minister but this was a new Council of Ministers and even in the letter of recommendation or recommendation for the Minister for Economic Affairs, the Chief Minister took out 3 responsibilities, which he had already given to his Assistant Minister, without any discussion. Did he know then that that Minister was going to be elected because it was contested? Deputy Andrew Lewis went for the job. I am really disappointed. Does the Chief Minister not then also agree it is about time we sorted out how, when and who is elected as Assistant Ministers?

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

Yes, I do. That is why I said what I did at the last States sitting, and ever since then people have been accusing me of a power grab. It is not a power grab. It is about making the system fit for purpose. It is about avoiding those anomalies and it is about creating unity in this Assembly for the benefit of the public. Assistant Ministers that can work in departments, help Ministers make decisions, put their skills and talents towards the Executive and, at the same time, scrutinise other departments as well in the best interests of the public. The Deputy is absolutely right.

### **3.4 Connétable A.S. Crowcroft of St. Helier of the Minister for Infrastructure regarding the relationship between the Department's agent and Grontmij and Sweco and the planning applications for the new sewage treatment works in Bellozanne Valley: [1(202)]**

In relation to the new sewage treatment works in Bellozanne Valley, will the Minister explain what the relationship is, if any, between the department's agent, Cascade, and Grontmij and Sweco - sorry, if I have not pronounced those names correctly - and will he also explain why a full-site layout of the proposed works was not part of the initial planning application?

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

There are 2 unrelated questions here: I may take over the 90 seconds to answer them both fully. Cascade Consulting are the environmental consultants appointed by my department to advise on environmental issues on the new sewage treatments works - the S.T.W. - project at Bellozanne, and to co-ordinate and prepare the environmental impact assessment for the scheme. It should be noted that in 2015 Cascade Consulting were acquired by the engineering and environmental consultancy group, Ricardo Group. Grontmij - I share the Constable's struggle to pronounce that word - are the technical consultants appointed by the department to provide technical support on the S.T.W. project and are currently charged with the civil design of the new plant. Grontmij were taken over by Sweco Limited in 2016 so Grontmij and Sweco are now one and the same company. Sweco have an extensive background in the water industry, particularly in the design of sewage treatment works. There is no relationship between Cascade and Sweco. With the second question, with regards to the planning application, when the initial planning application was submitted on 6th February 2017 planning officers required further detailed drawings of the new plant before they could advertise the application. These additional drawings were prepared and subsequently submitted but when the application was first advertised by the Planning Department on 21st March 2017 the additional drawings were the only drawings uploaded to the website by Planning. This oversight was in fact spotted by my officers and Planning were notified and the site layout plans were uploaded on 5th May. All drawings have since been available to view and for comment on the Planning website. However, I have asked my officers to request an extension to the Planning consultation period to allow the public to fully review these additional layout plans.

### **3.4.1 The Connétable of St. Helier:**

I am grateful to the Minister for rectifying what appears to have been a mistake in the uploading of the plans. In respect of the first part of the question, which is about the relationship of the department's advisers to the procurement of the plan, is it not the case that in 2009 this consultant - let us call them "Sweco" although then they were called the more unpronounceable name - that this consultant advocated a perimeter in terms of odour nuisance of level 5, now as the consultant acting for the procurement and they are now accepting lesser odour nuisance.

[10:15]

My concern clearly is if the department employ a consultant to advise you about environmental risk and they end up working for you, is it not a case of poacher turned gamekeeper?

#### **Deputy E.J. Noel:**

I am not aware of the details that the Constable is suggesting there. As far as I am aware the definition of the different levels, you have the 1.5 level, 3 level, the 5 level, and a 10 level, have not altered at all in that period but I will investigate and get back to the Constable.

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

The Constable and Members may like to look at question 15 of the written answers. It does show a table showing the different odour levels. Can the Minister tell me though why his advisers, if they are trying to minimise the odour, the scheme does not include the covering and odour controlling of primary settlement tanks, which would cost an extra £4.1 million and is not included in the £75 million estimate? If you are trying to keep the odour down why have you not covered those tanks?

#### **Deputy E.J. Noel:**

It is a shame that the Deputy... I know he could not attend the last States sitting for an urgent matter, but that was answered then. The advice that we were given is that at the moment we will not need to cover the tanks to keep the odour down to acceptable levels. If it turns out that we do have to cover those tanks in the future we will make sure that the current design is capable of being adapted. But I am not in the game of spending taxpayers' money unless it is absolutely essential to do so. Two weeks ago I mentioned that in the similar way we are not building a denitrification plant at the cost of some £40 million at the S.T.W. because at the moment we do not know that it would be necessary and it would be unwise to spend taxpayers' money on something that is potentially unnecessary.

### **3.5 Deputy J.A.N. Le Fondré of the Minister for Treasury and Resources regarding whether there had been a deficit in the public finances when the Minister had taken office at the end of 2014: [1(299)]**

Will the Minister advise whether there was, or was not, a deficit in the public finances when he took office at the end of 2014?

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

In setting our fiscal strategy we seek the advice of the Fiscal Policy Panel. In recent years that advice has been to run deficits and support the economy until it returns to capacity. To answer the Deputy's question as to the financial position for autumn 2014, when I took office, I refer to the 2015 Budget agreed by the States in September 2014. With the measures approved in that Budget the forecast was for an operating deficit before depreciation of £31 million in 2014 and £42 million in 2015, which took us to the end of the first M.T.F.P. (Medium Term Financial Plan) period. The

actual results for 2014 were an operating deficit of £17 million and after depreciation £76 million. The results for my first full year in office 2015 improved to an operating deficit of £5 million and after depreciation to £50 million. In early June, I will present to Members the outturn for 2016 and the current forecast for the period 2017 to 2021. Those will show that while 2016 has been an outstanding year for public finances the headwinds and uncertainties remain. Nevertheless we remain on track to achieve our aim of balancing the books over the M.T.F.P. period.

### **3.5.1 Deputy J.A.N. Le Fondré:**

I thank the Minister for his response, or the clarity of his response. Were the earlier income forecasts too optimistic leading to higher expenditure and a deficit during that first M.T.F.P. period, in the Minister's opinion?

### **Senator A.J.H. Maclean:**

Income forecasts have proven to be optimistic for that period of 2013 to 2015 but of course hindsight is a great thing. Since I took office we have spent some time in reconstituting the Income Forecasting Group and ensuring that external members are added to that group and indeed making great emphasis on ensuring that forecasts for the future are prudent. I should say that I have no doubt that I will have criticism in the future as we generate some surpluses as a result, and I think the outturn from 2016 will prove the point. So in many respects, one cannot win. But, yes, to answer the question, I think they were at that stage on the optimistic side.

### **3.5.2 Deputy M.R. Higgins:**

I am trying to wrack my brain to remember if at any time the Minister for Treasury and Resources told us of the improved figures and the reduction in the deficit because from my recollection we have been told there has been a deficit, we have always been in deficit, we are going to be in a deficit and so on. Did the Minister at any time update the States with an updated assessment showing it was not as bad as expected to be?

### **Senator A.J.H. Maclean:**

Yes, in fact the States accounts, which are published and available, gave the position for 2015, to which I have just alluded. With regard to 2016, which is going to show further improvements, those accounts have yet to be published but I am expecting them to be so within the next week and that will give an updated position for the Deputy and Members.

### **3.5.3 Deputy J.A.N. Le Fondré:**

Just if the Minister could confirm as a matter of fact that in the 2015 Medium Term Financial Plan that the word "deficit" is used on a number of occasions. So, for example, it refers to a place in Jersey on a part fiscal balance and addressing any structural deficits. It refers to graphs and charts, which show that the current budget including depreciation will move from a deficit of £90 million. This suggests the net fiscal position moves from one of moderate deficits to one of significant deficits throughout the 2015 to 2018 period. Accepting the comments he has made that things have obviously changed, could he just confirm that the word "deficit" does appear on a number of occasions throughout that document?

### **Senator A.J.H. Maclean:**

Yes, it does. I think I made that perhaps clear at the beginning. We have been running deficits and indeed that is following the advice of the Fiscal Policy Panel to so do. All I can say to Members is that the financial position has improved. We are broadly on target, on track, to achieve balanced budgets by 2019, that is the end of the M.T.F.P. period. That largely is as a result of a very good outturn from 2016. We should not however get carried away by that outturn on the basis that a significant amount of the gains there as a result of, dare I say it, Brexit and the depreciation of

sterling, because our investment returns have performed particularly well as a result of that, which has had a slightly skewing effect on the numbers. We have also seen some increased income tax numbers, some of which we believe possibly could be one-offs, but further analysis is being undertaken. So good news, but there are still clearly some headwinds which we face, which we need to manage as we go forward.

### **3.6 Deputy M.R. Higgins of the Chief Minister regarding whether he would investigate measures that would ensure an ‘equality of arms’ for parties involved with the Independent Jersey Care Inquiry to be able to respond to that report: [1(305)]**

In light of the States expenditure on public relations consultants, legal representation and civil service time in preparation for the publication of the Independent Jersey Care Inquiry’s report, will the Chief Minister undertake to investigate what measures, if any, can be taken to ensure there is equality of arms for all parties involved with the inquiry to be able to respond to that report?

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

Equality of arms of course is a principle which forms part of the right to a fair trial and does not relate to a public inquiry. However I understand that the inquiry will treat all interested parties equally and provide the report to all parties at the same time, and I will consider any measures which might help support the victims and their families in responding to the report.

#### **3.6.1 Deputy M.R. Higgins:**

Will what he is talking about in terms of support include some assistance with ... I believe everyone is going to get 2 hours’ notice of the report, no doubt the Chief Minister will have a range of civil servants or lawyers, each examining probably a chapter of the 500-page document so they can answer questions in no time at all, will the Chief Minister agree to some finance for, for example, the Care Leavers’ Association and others so they can get a similar number of people to examine the chapters so they can ask questions or respond to the report?

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

It just goes to show how out of touch Deputy Higgins is with the amount of staff in my department that do this sort of work. I have agreed with a group of interested States Members that one of them, together with myself, Deputy Tadier - I hope he does not mind me mentioning his name - will meet with care leavers and consider these issues about what support and how we might offer support during this particular period.

#### **3.6.2 Deputy M.R. Higgins:**

Just following up on the last comment on the level of support. Obviously the publication of the report is going to bring back some awful memories for some of the victims of abuse. Can the Chief Minister explain what he is going to do to try and help those who find it a traumatic experience and may need some counselling or assessments in other ways?

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

I know that these are issues that the Social Services Department are considering and putting in place. I know that some individuals who were entitled to money under the Compensation Scheme were also entitled to support of the nature that the Deputy is suggesting. So some may still have access to that, others may not and others may require more. I know that the Minister for Health and Social Services will look on those requests for more, and this will be part of the conversation that we will have with the point of view that it really is important that individuals are supported through what is going, again, to be a very difficult time for them as their stories are told in the public

domain. Some of them for the first time and as they have to answer questions and then they look to life beyond the publication of the report.

**Deputy M.R. Higgins:**

I am looking forward to the publication of the report.

**3.7 Deputy G.P. Southern of the Minister for Health and Social Services regarding what measures, if any, he was considering to ensure continuity, or a replacement, of domestic care services: [1(300)]**

Given that a majority of Family Nursing and Home Care domiciliary care workers have rejected new terms and conditions offered by its management and the potential impact this could have on the delivery of the domestic care service, will the Minister advise what measures, if any, he is considering to ensure continuity of or a replacement for this service, as previously assured?

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

I am pleased to report that Family Nursing and Home Care have been working hard, supported by staff from my department, to deal with the situation outlined by the Deputy should it arise. The priority is to ensure patient safety and continuity of care and it is clear from my discussions with Family Nursing and Home Care that the bulk of the hours of care required can be covered by staff who have chosen to stay with Family Nursing and Home Care.

**3.7.1 Deputy G.P. Southern:**

Does that mean, as the Minister must be aware, that the vital elements of continuity in the relationship between care worker and client on such things as getting people dressed on ailing people, continuity of people is vitally important in ensuring that clients feel comfortable with the service he provides?

**Senator A.K.F. Green:**

As I said in my previous answer, the priority is to ensure patient safety and continuity of care. Family Nursing and Home Care have advised me that they will be able to provide that. I would like to thank them for their proactive approach and thank my officers for continuing to support Family Nursing and Home Care as it transitions towards a new service model.

**3.7.2 Deputy M.R. Higgins:**

The Minister said that he was satisfied after talking with Family Nursing and Home Care that there would be sufficient workers to do what is required. Will he tell us the percentages of the workers? Is it 10 per cent going to be doing the work of 100 per cent or is it 20 per cent doing the work of 100? What numbers is he talking about and can he ensure that they can do that care?

**Senator A.K.F. Green:**

I cannot tell him the percentage but I can tell the Deputy it is changing every day as people consider their options and then sign up.

**3.7.3 Deputy G.P. Southern:**

Is the Minister aware that the figure quoted by officials in the Union is that two-thirds of domestic care workers who were affected by the change of terms and conditions of employment have refused to sign contracts? Can he assure this House, can he guarantee this House, that he will be able to, through Family Nursing, deliver the same service with one third-third of the staff?

[10:30]

**Senator A.K.F. Green:**

It is not me that will be delivering the service but it is Family Nursing and Home Care and they have assured me that the situation is changing daily and that they can ensure their priority for patient safety and continuity.

**Deputy G.P. Southern:**

Does he guarantee that?

**Senator A.K.F. Green:**

I am working with Family Nursing and Home Care. If there were a problem there are another 20 providers to help pick up the slack.

**3.7.4 Deputy M. Tadier:**

What does the Minister understand by the idea of the “race to the bottom” and does he believe that the terms and conditions being imposed or suggested at Family Nursing and Home Care are an example of this?

**Senator A.K.F. Green:**

No, I do not accept that, and I also do not accept that the floor of this Assembly is the place to negotiate wages and conditions of any organisation.

**3.7.5 Deputy M. Tadier:**

What about the first part of the question? What about the idea of the “race to the bottom”? Does the Minister know what that is and what does he think about it?

**Senator A.K.F. Green:**

I thought I had already said I do not accept that it is a race.

**Deputy G.P. Southern:**

Point of clarification, if I may, before I have my final supplementary, if that is what I am on.

**The Bailiff:**

You are about to be.

**Deputy G.P. Southern:**

I missed what the Minister said, something around 20 people or 20 ...

**The Bailiff:**

Twenty other service providers.

**Deputy G.P. Southern:**

Again, Sir?

**The Bailiff:**

There were 20 other service providers who could step in if Jersey Family Nursing ... as I understood it.

**3.7.6 Deputy G.P. Southern:**

In which case, my final supplementary is obvious. So he cannot guarantee continuity in any shape or form because he is going to use one or several of the 20 other providers with different staff in order to prop this service up, is that the case?

**Senator A.K.F. Green:**

Absolutely not. It is not: "I am going to use." If there is change, members of the public who need services choose who they wish to provide their service. My officers, if there is a need to change service provider, must work very closely with them to ensure patient safety and continuity during the transition but I am advised that it is unlikely that we will need to do that.

**3.8 Deputy M.R. Higgins of the Chief Minister regarding his assessment of the appropriateness of the cost for litigants in person to access transcripts or recordings of court hearings and trials; [1(306)]**

Will the Chief Minister provide his assessment of whether the cost for litigants in person to access transcripts or recordings of court hearings and trials, and other limitations on such access, are appropriate and whether justice in Jersey is thereby available to those least able to afford legal representation; and, if his assessment is that they are appropriate, will he explain how?

**Senator I.J. Gorst:**

I would like to ask Senator Routier to act as rapporteur, please.

**Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

As I am sure the Deputy will be aware, the rules on access to transcripts or recordings of court hearings and trials follow the U.K. (United Kingdom) practice and have been agreed by the Bailiff as Chief Justice. These rules are set out in the published Court of Appeal Rules for transcripts. I understand that the rules do not provide for any exemption from paying the fees; however, a litigant in person is entitled to an exemption certificate, if he is entitled to a certificate, for stamp duty. He would, in practice, be exempted from paying for a transcript.

**3.8.1 Deputy M.R. Higgins:**

A supplementary? I find this very interesting because I have been assisting or working with a number of people who are litigants in person who have paid more than the zero that the Assistant Minister is talking about. He is saying that a litigant in person can obtain them but the truth in reality is they cannot; they are paying large sums of money. In other cases, they are being refused access to a transcript because the judge in question, or the Master, or whoever, is refusing the litigant in person to have those tapes or transcripts. What does the Assistant Minister say to that?

**Senator P.F. Routier:**

The decision, I am aware, is made by the Viscount who makes the decision about whether people are exempt from paying the fees. If the Deputy has any specific cases like this that he wants to refer to the Access to Justice Review Panel which we are carrying out, I would be more than happy to receive that and if necessary we would write to the Chief Justice to look into it.

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

I am pleased that mention was made there of the Access to Justice Review because I wondered if this issue had been covered by it. When can we expect the review's findings to be published?

**Senator P.F. Routier:**

It is fairly imminent. We have been waiting for the Law Society to come forward with their latest findings on the legal aid system and I believe that is due to be with us very, very soon, so once we have had time to assess that. We do have a public hearing with Members at the end of this week which we will be asking members of the Law Society and Consumer Council and others about the latest position of where we are going to. So once we have had the public meeting this Friday and



we have had a chance to review the legal aid submission from the Law Society, we virtually will be able to conclude our work.

### **3.8.3 Deputy M. Tadier:**

The Assistant Minister will be aware that things are moving quite quickly in U.K. courts where the Supreme Court is being livestreamed already and that cameras are being allowed into the Crown Courts. Does the Assistant Minister think that there is mileage in suggesting similar measures for Jersey so that the courts, like our States Assembly, can be completely opened up where appropriate, have livestreaming, automatic transcripts and the equivalent of a Hansard so that anybody with an interest can have that made freely available to them both at cost and otherwise?

### **Senator P.F. Routier:**

Certainly the review which we carried out, we looked at the facilities across all of the courts, as the Deputy, as a member of the panel, will be aware that we have visited the court facilities and there is certainly room for improvements to be made. I think, along with all of these things, it is a discussion to be had with the court itself to decide what is appropriate for going forward. But certainly I think there is room for improvement with regard to making accessible features for the public.

### **3.8.4 Deputy M.R. Higgins:**

Yes, if I can again seek clarification before I ask my question. The Assistant Chief Minister said that litigants in person could obtain the tapes and transcript for nothing, is that correct? So therefore those who cannot afford it will be able to obtain those copies without paying a fee? Could you just clarify that point, please?

### **Senator P.F. Routier:**

The mechanism for receiving free transcripts is if somebody is exempt from stamp duty, so the decision is a judicial decision which is made by the Viscount, so there are times when it may well be refused but there is a mechanism that some people are able to receive free transcripts.

### **3.8.5 Deputy M.R. Higgins:**

Yes, I must admit I will be asking afterwards what those exemptions are. The final question is to do with the refusal of some litigants in person to be able to get hold of transcripts or tapes because the judge in question refuses the tape to be released. Does he think that is right and, if not, what actions will he take to change the system?

### **Senator P.F. Routier:**

There are published guidelines of how the assessment is made with regard to people being able to get transcripts free but I am certainly not going to second-guess the decisions of the court.

## **3.9 Deputy G.P. Southern of the Minister for Social Security regarding the choice of the words “tighten benefit rules” as an option under question 90 of the survey undertaken for the report ‘Living Longer: Thinking Ahead’: [1(301)]**

Will the Minister explain the choice of the words “tighten benefit rules” as an option presented to members of the public under question 9 of the survey undertaken for the report *Living Longer, Thinking Ahead*?

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

Last October I launched the first part of a major review into income in retirement and the Social Security scheme. *Living Longer, Thinking Ahead* asked for the public feedback on these subjects,

given that many more people are expected to live longer in the future. This review is looking 30 years ahead so that we can plan how the Social Security scheme should change to meet the needs of this and future generations of Islanders. The outcome of this review will help people in Jersey achieve and maintain financial independence in the future while safeguarding the most vulnerable in our community, a strategic goal of the Council of Ministers. It is only right that we, the public, have an opportunity to give their views about all the choices which include tightening the rules for benefits and who can claim Social Security scheme benefits. The questionnaire provided a balanced approach looking at 6 options for possible changes to the Social Security system. It included increases to how much individuals or businesses pay into the fund, as well as changes to the rules around benefits paid out of the fund. It is important to note that there are also free text questions to give people the opportunity to tell us in their own words their views and ideas on the areas we could look at over the next few years. I am very grateful to the 1,300 people who took part. Thank you.

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

Can the Minister explain to Members what checks were performed on this survey, particularly by the Statistics Department if they were available, in order to ensure that all the questions asked were balanced, even-handed and not weighted in any way whatsoever? Were they value neutral?

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

Yes, they were. This is the first of 2 consultations that we are doing over the next 2, 2½ years. As the Deputy will very well understand, the Social Security system is extremely complicated. The questionnaires, or consultations, were aimed to be very clear and simple so that people would be able to answer them and the questionnaires included tick boxes ranging from “strongly agree” to “strongly disagree”. As I mentioned in my opening remarks, the next question gave people the opportunity to write in their own words what they thought about each of the options.

### **3.9.2 Deputy M. Tadier:**

Could the Minister state how much she thinks would be saved in terms of fraud or error if the benefit rules were tightened?

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

No, I could not say that because any detection of fraud or error is a very flexible day-to-day system, so it is not possible to estimate what any cost would be saved.

### **3.9.3 Deputy M. Tadier:**

So would the Minister look into that and return to the Assembly with an answer?

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

It is not possible to give an answer on a projection. We do not know what the benefit changes are going to be. This was only a consultation and all that is reported in the review are the results of the consultation. It is not a political document at all. It is merely the results of the consultation and until we receive the results of both consultations, the next one has not gone out yet, then it is impossible to say which areas of the benefits will be changed.

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

The Minister’s answer indicates the importance of asking value-neutral questions. I will just take Members through the 6 options that were provided by the department to illustrate where they went wrong, I believe. In terms of areas that people felt the Government should look into in terms of the Social Security scheme, there were the options: businesses to pay more versus people to pay more. Seems fairly obvious: one or the other. Secondly, pension goes up less quickly or higher pension

age, which might be phrased: people work longer but higher pension age, in any case, or pension goes up less quickly. Again, balanced, it seems to me, that there are 2 logical options. It then goes on to say: less benefits, when they mean fewer benefits but let us leave that for the moment, fewer benefits paid out other than pension or tighten benefit rules. Now “tighten benefit rules” does not say “change”, it does not say “increase”, it says “tighten”. There are a whole set of values that suggest that people are cunning, people are getting away with not paying their contributions. The fact is that these benefits are contributory, does the Minister not accept that using the words “tighten benefit rules” implies a whole set of scammers and skivers and we can save significant money through this mechanism when in fact that is not true? Does the Minister agree?

**The Bailiff:**

A question, not a speech, Deputy.

**Deputy G.P. Southern:**

Got there.

**The Bailiff:**

Indeed, just.

**Deputy S.J. Pinel:**

I am really not quite sure what the question was but ...

**The Bailiff:**

You were asked to agree with the long preamble.

**Deputy S.J. Pinel:**

All I can say is by tightening the benefit rules, it really means keeping the range of existing benefits but limiting the cost by changing the criteria for claiming them. So it does not necessarily mean removing them, as I think the Deputy mentioned. As I say, there are many leaves involved in this and this is only the first consultation paper.

[10:45]

**3.10 The Connétable of St. Helier of H.M. Solicitor General regarding whether, as a matter of law, Parishes could make use of a referendum in making important decisions and, if so, under what conditions: [1(303)]**

Given the impossibility in even the smallest Parish of accommodating all those entitled to attend a Parish Assembly within the Parish Hall, will H.M. Solicitor General advise whether as a matter of law Parishes could make use of a referendum in making important decisions and, if so, under what conditions?

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

There is no statutory mechanism for the holding of a referendum as such at Parish level. Under the Referendum (Jersey) Law 2002 the States may by Act resolve that a referendum be held on any matter and the Act may apply provisions of the Public Elections Law in connection with holding of the referendum. The new Draft Referendum (Jersey) Law which was approved by the States on 28th March will make similar provision but with the addition of detailed provisions regarding the appointment of a Referendum Commission, campaign spending, lead campaign groups, and so on. But it is clear that none of these provisions can be invoked by a Parish instead of the States so as to apply at Parish level. So the short answer to the question is therefore, as a matter of law, the Parish cannot make use of a referendum in the statutory sense of a referendum law in making important decisions. However, the essential nature of a Parish Assembly should be kept in mind. Under

Article 23 of the Rates Law, a person is a member of a Parish Assembly if, among other things, the person resides in the Parish and is registered for the Parish as an elector in public elections. So the electorate of the Parish forms the Assembly and if the motion is put to the Assembly, that motion is in effect put to the electorate of the Parish. Of course, the practical reality of holding a Parish Assembly is that the entire electorate cannot possibly be accommodated in the Parish Hall to vote on the motion. Moreover, the vote is not a secret ballot in the way that it is in a public election under the Public Elections Law. But on the other hand, there is no legal requirement for the Assembly to be held physically in the Parish Hall. An Assembly can be convened at a location able to accommodate larger numbers of parishioners. There is also no objection in principle to the Parish circulating a questionnaire to parishioners to elicit their views, albeit at an unofficial level on a given matter subject to ...

**The Bailiff:**

Mr. Solicitor, you should be answering in one and a half minutes, so if you could bring your answer to a close, thank you.

**The Solicitor General:**

Beyond these limited possibilities, there is no legal mechanism for a referendum in the accepted sense of that word.

**3.10.1 The Connétable of St. Helier:**

I would be grateful if the Solicitor General could furnish me with his full answer in due course, and the other Constables. Is it not the case that the Parish Assembly could agree in a properly-convened Assembly to hold a referendum on a specific matter? If the Parish Assembly then agreed to hold a referendum and laid out the procedure, then that would have the same standing, same legal standing, as a Parish Assembly decision.

**The Solicitor General:**

I think the answer again is, no, not in the accepted sense of a referendum under the Referendum Law. The answer is no.

**3.10.2 Deputy M. Tadier:**

Could the Solicitor General explain whether, if not legally but perhaps in a *de facto* or customary manner, there are Standing Orders which govern the Parish Assemblies, including the tabling of propositions, amendments, lodging periods, *et cetera*? If so, would these apply uniformly across the Parishes?

**The Solicitor General:**

The procedures for the holding of Parish Assemblies are set out in the 1804 law on the subject of Parish Assemblies. That is a relatively short law which is all that I am aware of that governs the procedure for convening a Parish Assembly, who has the rights to be present and can speak and vote at the Assembly. Beyond that I am not aware of specific procedures that have universal application among the Parishes.

**3.10.3 Deputy M. Tadier:**

I thank the Solicitor General for that clarification. I was wondering whether the 1804 law had been unofficially superseded by the Parish manual which is called "make it up as you go along" when it comes to Parish Assemblies. I think we all know in reality that we have been at different Parish Assemblies ...

**The Bailiff:**

I do not think that is a question for the Solicitor General.

**Deputy M. Tadier:**

We have all been at Parish Assemblies where, for example, amendments are put to a rate where 4 amendments have been put on the floor at the same time and then you vote on the amendment you like, rather than taking the amendments in each order. We have also seen recently in St. Helier that amendments have been tabled almost negating the original one that was put to the Assembly and it seems that nobody really knows how or when or what the procedure is. So the question to the Solicitor General is: would it be helpful if a type of Standing Orders could be looked at so the members of the public and Members of the Assembly for whom of course are the most important individuals within the Parish system arguably know exactly what they can and cannot do when it comes to Parish Assemblies?

**The Bailiff:**

It is not really a question of law but ...

**The Solicitor General:**

I think that is more a matter of policy and one really for the Comité des Connétables, not really for me.

**The Bailiff:**

It is a question for the Comité des Connétables. Deputy of Grouville.

**3.10.4 Deputy C.F. Labey of Grouville:**

Has there been any consideration to changing the 1804 law should super-constituencies come into place and if there are issues that require the Assembly's vote? What happens if there are Assemblies held in neighbouring Parishes that form part of the super-constituency that produced conflicting results?

**The Bailiff:**

I am sorry, that falls outside the scope of the question's permitted supplementary which is about referenda and Parishes. Deputy Higgins.

**3.10.5 Deputy M.R. Higgins:**

Could the Solicitor General tell us, is the 1804 law written in French or are the other laws governing the Parishes also written in French? Not even current French, I am talking about ancient French, or whatever. Is it not the case that they are so vague as you could drive a coach and horses through them, anybody who wanted to?

**The Bailiff:**

That also is outside permitted questions.

**Deputy M.R. Higgins:**

Pardon?

**The Bailiff:**

That is also outside permitted questions. The question is about referenda through Parishes.

**Deputy M.R. Higgins:**

Okay, it may be true though.

**The Bailiff:**

It may or may not be. I know that question time is running shorter than sometimes might have been expected but still. We now come to ...

**The Connétable of St. Helier:**

Sorry, I have a further supplementary. I have only had 2 questions.

**The Bailiff:**

A final supplementary. I am sorry, Connétable, yes.

**3.10.6 The Connétable of St. Helier:**

I am grateful to the Solicitor General for his answers. He did say that a larger venue could be looked at and, of course, that has been done in the past in St. Helier. But with about 18,500 people entitled to take part in decision making at the Parish level, that clearly is not an option for St. Helier and I think even St. Mary would struggle. Does this not suggest that we do need to review the law and come up with a law that is more suitable for the 21st century?

**The Bailiff:**

I am sorry, Connétable, the Solicitor General's job is to advise the Assembly on what is the law, not what the law ought to be. It is Members' job to decide what the law ought to be.

**The Connétable of St. Helier:**

I am grateful, Sir. [Laughter]

**The Bailiff:**

We come now to questions ...

**Deputy G.P. Southern:**

Sir, with hindsight, given that we have only used something like one hour and 20 of our 2 hours' question time, does the Chair regret at one stage closing down on supplementary questions? We had plenty of time to ask as many supplementaries as we like. Would you consider, with hindsight - which is today's favourite word - with hindsight that you might have allowed questions to flow a bit more naturally?

**The Bailiff:**

I am sorry if Members think I have not allowed questions to flow naturally but the Standing Orders provide that a maximum of 2 hours is allowed for question time. It does not say that 2 hours must be taken up every time. I must say that I thought I had permitted quite a long time in relation to some of the questions. For example, I note that the first question to the Chief Minister went on for some 15 or 16 minutes. I beg your pardon, longer than that, nearly 20 minutes.

**Deputy G.P. Southern:**

Yet, I was refused a supplementary.

#### **4. Questions to Ministers without notice - The Minister for Education**

**The Bailiff:**

So it seemed to me that the balance was about right but there you go. We come now to questions to Ministers without notice. The first question period is the Minister for Education. The Deputy of St. John.

**4.1 Deputy T.A. Vallois of St. John:**

Further to my written question to the Minister for Education in regard to standard assessment tests, he suggests that this year is a pilot test. Can he confirm whether they will continue within the future?

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

Thank you to the Deputy for the question. It allows me to vocalise the situation that we are in currently. We ran a very short, a small pilot last year to just identify if this was effective, so the standard assessment tests are not like the ones in the U.K. which carry quite an awful reputation with them. We wanted to make sure that we were able to ascertain that the new curriculum that we put in place was particularly working. So, like I say, we ran a pilot last year that was very effective. So we went to the heads and said would they be happy for us to run a, as they are known, S.A.T. (Standard Assessment Test) within their schools; they said, yes. That has been done just fairly recently. I have not had the feedback yet from the heads but once I have had that, then I will take an assessment on that particular thing and if they have worked, then we will carry them on. If they have not worked, if there are any concerns at all, we will stop them.

**4.1.1 The Deputy of St. John:**

A supplementary? Can I ask the Minister if he is at all concerned with the news from the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) with regards to examination stress on pupils, whether it is appropriate to introduce S.A.T.s exams into primary school level at this point in time?

**Deputy R.G. Bryans:**

I think there are 2 parts to this particular question: one is I met with the N.S.P.C.C. just last week in regard to exam stress. Their focus is particularly on secondary school students who are taking G.C.S.E.s (General Certificate of Secondary Education) but the understanding is something that concerns us down through primary. What the Assembly needs to understand is these S.A.T.s are just one small part of a large form of assessment right across the board that teachers do almost on a daily basis and it is not, as I say, like the U.K. We have designed it for ourselves. It is to ascertain where the students are at a particular point in time and whether the curriculum is working. It is not meant to create any form of stress. If it would, I would cancel it immediately. I can report, I spoke to 2 heads last week who reported that because they had underplayed this because the children thought it was really something they were due to do anyway, although it is different, and they quite enjoyed the difference, there were no concerns on anybody's part.

**4.2 Deputy G.P. Southern:**

In his written answer, he says: "In Jersey the tests are not being used in the same way as the U.K." Can he explain to Members in detail what the differences are and why we should have reversed the decision taken some time ago to abandon S.A.T.s as being not in the pupils' interests, we should reinstate them?

**Deputy R.G. Bryans:**

Yes, like I say, the tests have been reintroduced to verify that the new curriculum that the teachers and the heads and the unions have been very much part of, and it is what we set out at the top of our agenda in our 4 principles, whether that is connecting and working in the way that we expect it to. We have removed certain elements, I cannot give him the detail but I am happy to do so, of the S.A.T.s that gave grave concern in the U.K. We do not want to subject our primary children to any form of stress whatsoever. I can verify, as I said just earlier, that once we have done this and once we have had the feedback from the heads that shows any of the children were subjected to any kind of stress, we would stop it immediately. So it is just a pilot, as I say, this year to make sure that we are on track.

#### **4.3 Deputy K.C. Lewis:**

I have just pointed this out to the Minister, the new sewage treatment plants with the guide on page 15 of the written answers, with the new plant the actual odour zone shifts slightly to the right and will in fact cover half of Haute Vallée School. Will the Minister for Education be pressing the Minister for Infrastructure to cover the primary settling tanks and eliminate as much odour as possible? Thank you.

#### **Deputy R.G. Bryans:**

Thank you to the Deputy for that; he did draw it to my attention. I had not seen that before he showed it to me. I used to be Chair of Governors for Haute Vallée some time ago, for 9 years, and during that period of time Haute Vallée was subjected to quite a various amount of smells that came from Bellozanne. So as much as the school is used to it, he is quite right, so we will look into the situation to see if we can resolve it. Thank you.

#### **4.4 Deputy M.J. Norton of St. Brelade:**

The Minister will be aware the Arts Centre gives very valuable work to Education with regard to youtheatre, T.I.E. (Theatre-in-Education) and much, much more in their involvement with many of the Island's school children through the Arts Centre. However, they have lost their rehearsal space at St. James, they have lost their rehearsal space at the old Magistrate's Court over the last few years and they are really struggling for rehearsal space. Would the Minister be prepared to enable some of the excellent school facilities, just mentioning Haute Vallée as one, to be used and opened up in the evenings for Arts Centre rehearsals so that they can continue to do that good work?

[11:00]

#### **Deputy R.G. Bryans:**

Once again, thank you to the Deputy for alerting me to this. He mentioned it to me literally just this morning in the coffee room. I immediately sent an email to the department asking if we could look at this particular situation to see if we can help him. Thank you.

#### **4.5 Deputy J.A. Hilton of St. Helier:**

According to the Mental Health Strategy produced by the Health Department, one in 10 children aged between 5 and 16 has a mental health problem. Is the Minister satisfied that there is enough support available in our primary and secondary schools to address this very important issue?

#### **Deputy R.G. Bryans:**

Thank you to the Deputy. I think the Deputy is probably aware that this is something that is very close to my heart with regard to mental health of children. I attended a mental health conference in Manchester some weeks ago and was heartened to see that the very subjects that they were tackling were the ones that not only we were tackling but we were somewhere ahead of the curve on in relationship to how our departments and how our psychological education team are dealing with it. So the education support team works with schools such as Mind Jersey and the N.S.P.C.C. Extensive work is taking place across the Island to enhance mental health and well-being services for young people aged 4 to 19 in our schools. The initiatives include new standards for school counsellors, training 100 school-based E.L.S.A.s (Emotional Literary Support Assistants) and expand the training available for staff covering a range of topics in the mental health area. This is available to schools and covers areas such as resilience, self-harm, anxiety and attachment. I can assure the Deputy it is very much on my agenda and anything we can do to resolve any kind of issues that children have in this area, I will do it. Thank you.

#### **4.6 Deputy R. Labey:**



Has the Minister recognised a cause for concern at Highlands College with low staff morale and a high staff turnover? If so, how is he addressing this?

**Deputy R.G. Bryans:**

Thank you to the Deputy. Yes, I am aware of the situation. It is a problem that the actual chief executive officer is dealing with at the moment. I could not go into details but I am aware of the situation and we are looking at it.

**4.7 Deputy G.P. Southern:**

In his answer to question 8 earlier, written question, he states that: "Ongoing assessment by teachers remains the main method of assessing how children are progressing." He also referred to "almost on a daily basis". Is he talking about the tick list approach to skills that is predominant in primary schools at the moment?

**Deputy R.G. Bryans:**

I am not aware of a tick list approach within primary schools. Our teachers within primary schools are highly-trained individuals, very professional people, and are completely in tune with the children that they find under their care. No, it is not in relation to any kind of tick list. What it is in relation to was a direct quote from one of the heads that I spoke to in relation to this particular S.A.T.s test and his answer was: "The children have responded to it very well." They in fact enjoyed the experience because it made them feel a little bit older, the desk was set up differently, things had changed around in the rooms. But on a daily basis - and this is his point - on a daily basis the teachers are completely simply aware of the situation of the children under their care and take notice on that. So the S.A.T.s that we do is just a very small part of that but on a daily basis the teachers are looking at the children constantly. Thank you.

**4.7.1 Deputy G.P. Southern:**

If I may? The question was not about S.A.T.s, it was about the assessments that teachers do on a daily basis, taking up hours and hours of assessment time. Does he really think that the ability to spot a determinant in a sentence or to spot the ability to use fronted adverbials is a useful skill either in his own experience or in the experience of teachers and pupils in primary school?

**Deputy R.G. Bryans:**

I think there is a bit of a dislocation. I read a report just the other day that related to a review of what was being expected of primary schools, particularly when children make the transition from nursery through reception into primary school. I am very confident that the education that is provided within our primary schools is fantastic and it is not just all about tick box exercises and running children through particular exams or tests. It is simply observing children through play and making sure that play is focused on the learning experience. Thank you.

**4.7.2 Deputy G.P. Southern:**

If there is nobody else, if I may? Does that not entail a massive recording of skills observed on the part of those teachers? Is it not taking up hours of administrative time?

**Deputy R.G. Bryans:**

No, it is not.

**4.8 Deputy J.A. Hilton:**

Can the Minister tell me whether any progress has been made with Property Holdings with a view of expanding the space available to Rouge Bouillon School by acquiring the now redundant police headquarters' site? Thank you.

**Deputy R.G. Bryans:**

I think it is somewhere in my diary that I have a meeting set up with the Minister for Home Affairs, and I cannot remember who else, to talk about this particular situation because it was brought to my attention by Deputy Lewis and various other people and particularly the Chair of Governors at Rouge Bouillon. So it is on our agenda and we are hoping to meet to discuss it. Thank you.

**4.9 Deputy G.P. Southern:**

I thank the Minister for the extensive list of uses that the pupil premiums are put to and I ask the Minister if he is convinced and certain that these schemes do not replace what should be the standard education grant going into the school? I point to 2 in particular which says: "Key stage leaders' project to focus on developing quality teaching and learning" which is aimed at the staff and not at individuals, which I thought was the purpose, 425 pupils, and: "A reading strategy for key stage 2 affecting 32 pupils." I would have thought everybody had a reading strategy and that was part of normal education spend. Can the Minister assure us that the pupil premium is being well directed and not replacing funding that should have been more generally applied to schools?

**Deputy R.G. Bryans:**

Thank you to the Deputy for asking both the written question and this question. I think the written answer shows you the breadth and the scope and the creativity that is now being created by the notion of the Jersey premium. I think it has been an outstanding project and I hope to see when we reach the end of this year in particular some of the discovery stages where we can share with teachers some of the good practices being introduced. The idea of the Jersey premium is a targeted intervention, not necessarily just for the pupils, but the teachers within our 4 principals - or the heads, I should say - have been given the autonomy to look at the way that that funding is being spent and utilise it in any way that they think will advance the education within their schools. It is not to replace anything that would have previously been spent while covered by another budget. Thank you.

**4.10 The Deputy of St. John:**

Can I ask the Minister to explain what the accountability model is for head teachers of primary schools? Because I have heard from some parents who have a particular concern with the way that a school is run or with the way their child is being treated. If they go to Education, nothing is done about it. So could the Minister explain how the accountability structure works when there is no governing board in place?

**The Bailiff:**

You have just a minute, Minister.

**Deputy R.G. Bryans:**

Okay, very quickly. I think if the Deputy has a particular aspect or a particular parent that they wish to pass on that information to me, that is fine, but there is a protocol whereby they contact the chief officer and it is taken up by him and then I am advised of it.

**4.11 The Deputy of Grouville:**

Why are our exam results constantly compared to the U.K.? There is a new international table out compiled by the O.E.C.D. (Organisation for Economic Co-operation and Development). It was published May 2017 where the U.K. rated 20 out of 76 countries. Should we not be raising our game a bit and comparing ourselves to these countries rather than constantly to the U.K.?

**The Bailiff:**

Very quickly, Minister.

**Deputy R.G. Bryans:**

Very quickly, I understand the Deputy is referring to the P.I.S.A. (Programme for International Student Assessment) tables. We do look at those, we do not measure ourselves against them because of the differences in locality and the size and the number of what we have here. The reason we do it with the U.K. is that we use G.C.S.E.s that are borne from the U.K. but we do look across the breadth, we do not just look at one particular place.

**5. Question to Ministers without notice - The Chief Minister**

**5.1 Deputy J.A. Hilton:**

A couple of weeks ago Andium Homes held 2 open days which attracted 600 Islanders who are looking at ways of getting on to the Affordable Housing Gateway. The Chief Minister has recently given support to the rezoning of Warwick Farm to provide affordable homes for Islanders. Can the Chief Minister tell Members what discussions have taken place on the Council of Ministers in achieving this aim? Thank you.

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

Thank you for that question. There have been no formal discussions. There have been informal discussions about the process that we would now need to go through to deliver those changes. I understand that the Minister for Housing either has or is due to have a conversation with the Minister for the Environment about the best approach to deal with that. It needs to be a joined-up approach because the site is under the auspices of Property Holdings. Andium obviously wants to deliver housing to the policy of the Minister for Housing but the shareholder for Andium is of course the Minister for Treasury and Resources and any planning permission or public inquiry has to be overseen and implemented by the Planning Department. I am really excited for those 600 families that went to the Andium open weekend. Their hope of owning a home and having a future here in Jersey we now need to act upon. There will be some difficult decisions about rezoning but we should put the interests of the future generations to the fore. That is what the Minister for Housing is doing, it is what Andium are doing, and I think also it is what the Minister for the Environment will be doing as well.

**5.2 Deputy M.R. Higgins:**

Will the Chief Minister confirm that there are no restrictions on the victims of abuse that have received compensation from the States from speaking about their abuse to the media or to the public? The reason I ask this question, I have been told by one victim that they were told by the States lawyers that if they did so they would have to pay back their compensation. So, would the Chief Minister just make it absolutely clear once and for all, these people are not gagged? Thank you.

**Senator I.J. Gorst:**

My understanding is the same understanding as the Deputy. I think that there was a request, and I am not sure how it was put in the contract, not to talk about the quantum, because the quantum of monies received, everybody's case is different and the technical reasons why you have reached one quantum rather than another is quite complex. But that did not and does not, as far as I am aware, gag anybody from talking to the public, talking in the public domain, talking to media about their own specific experience. I think this ties in with what the Deputy was asking me earlier. It is these experiences that people are going to be asked about and talk about when the inquiry is published. For my part, it is really important that they do so that we, as a community, having the report, having

the recommendations, can then come together and be determined to make sure it does not happen again.

**5.3 Senator S.C. Ferguson:**

The Chief Minister has boasted of a good financial year for 2016 and the Minister for Treasury and Resources has quoted at length from accounting returns for the States. Can the Chief Minister assure the Assembly that the structural deficit forecast by the F.P.P. (Fiscal Policy Panel) and the Corporate Services advisers and the panel in 2014 has been dealt with for ever?

**Senator I.J. Gorst:**

The Senator knows that accounts do not work like that. The Senator knows that what this Government has done is put forward a plan to deliver a balanced budget over the period of the M.T.F.P. I reiterated last week or the week before words of the Minister for Treasury and Resources in this Assembly that the budget was broadly balanced in 2016. Members will see the accounts which will be published early in June, they will see the underspends of departments, and my message was this: income is improved. The Minister for Treasury and Resources spoke earlier about the difficulties of forecasting income. In times of economic downturn, it is easy to overstate them because you cannot be quite sure. When the economy is growing, it is easy to understate them.

[11:15]

In 2013, we used the best information that we had. In 2014, we used the best information that we had. We continue to do that. So broadly balancing 2016, income up, spending less than budgeted but we must keep on track to ensure that 2017 is balanced, that 2018 is balanced and that 2019 is balanced as well.

**Senator S.C. Ferguson:**

A supplementary?

**The Bailiff:**

No, I am sorry, Senator. I will come back to you but I have a lot of people waiting. Deputy Southern.

**5.4 Deputy G.P. Southern:**

There was a nice rhetorical triple there; lovely. Does the Chief Minister agree with his Minister for Treasury and Resources, notwithstanding his statements to come later, with the postponement of a decision on funding of the hospital? If so, what discussion took place at Council of Ministers and whether there is some form of new package either presented by T. and R. (Treasury and Resources) or by another person to add to the options in front of us?

**Senator I.J. Gorst:**

Often in this job I find myself in a situation that I would rather not be in but this Assembly calls upon me, it calls upon the Minister for Treasury and Resources, it calls upon all Ministers to make decisions based on where we are with the information that we have. So Members know that the proposal in November of 2016 was a specific proposal. This Assembly said that it did not want the certainty of a locked-in rate for a long period of time. In January of this year it wanted Scrutiny to do its work. Scrutiny have done an excellent piece of work. They have had 2 advisers' reports. Those advisers' reports raise issues which I think this Assembly and the public want to be addressed because, let us be clear, Members are divided on what the right approach for funding the hospital should be. The public are divided on what the right approach for funding the hospital should be. This is such a big, important infrastructure project that I am absolutely committed to

delivering because we need it for our future, that we should not be divided between Ministers and Scrutiny. We should work together to deliver the best solution for the hospital into the future. That Scrutiny advisers' report said there were 3 risks: the hospital budget; i.e. that we had not come with a budget at the same time. It talked about the borrowing capacity and it talked about arbitrage risks. We are getting quite technical. Ministers are committed to borrowing ...

**The Bailiff:**

We are getting quite a long way away from the question, Chief Minister.

**Senator I.J. Gorst:**

We are not, because building on the Scrutiny advisers' report, the decision of the Minister for Treasury and Resources is absolutely right to bring it back with the outlined business case later in the year, which is what we were going to do: bring a business case for decision as well. The Scrutiny advisers' report suggests that this is the approach that we should take. So rather than battling on in the difficult position that we found ourselves in, we want to work together with Members, with the public as well, so that we can build consensus to get the best result for our community and deliver a hospital for the future.

**Deputy G.P. Southern:**

A supplementary, if I may?

**The Bailiff:**

Chief Minister, I think you have answered 2 of the questions but I think not answered the middle question: was it discussed with Council of Ministers?

**Senator I.J. Gorst:**

I thought you were asking me to sit down and be quiet. I have had a number of conversations with Treasury and with individual Ministers and it was discussed with members of the Council of Ministers yesterday about the best approach to take with regard to continuing the debate today or in effect taking the line of action that we are now taking.

**Deputy G.P. Southern:**

My own supplementary, is there a fresh plan for funding the hospital on the cards?

**The Bailiff:**

The Chief Minister has answered that, Deputy. He said they are going to be working with Scrutiny Panel and Members to come forward later in the year. Deputy Tadier.

**5.5 Deputy M. Tadier:**

I would like to give the Chief Minister one final chance ahead of the debate on P.25 which is to do with answering questions. Now that the review has been published about what happened with the Innovation Fund, will he clarify whether, after the publication of the Comptroller and Auditor General's report, he asked either the Minister for Treasury and Resources or the Minister for Economic Development, Tourism, Sport and Culture to resign?

**Senator I.J. Gorst:**

No, I did not.

**Deputy M. Tadier:**

Can I ask a supplementary? Was that: "No, I did not ask him to resign" or: "No, I will not clarify"?

**The Bailiff:**

Was it, no, you did not ask him to resign or was it, no, you will not clarify?

**Senator I.J. Gorst:**

I said: “No, I did not.” It can only be the answer to the first question, surely.

**Deputy M. Tadier:**

May I ask a supplementary?

**The Bailiff:**

No, you may not at the moment. I shall come back to you. There are other Members wanting to ask questions. The Deputy of Grouville.

### **5.6 The Deputy of Grouville:**

What efforts are we making with our French cousins to encourage support through our historic relationships with Brittany and Normandy at this crucial post-departure time from the E.U. (European Union)? They are surely in a good position to lobby French officials in Paris on issues that confront the Channel Islands.

**Senator I.J. Gorst:**

Of course, I congratulate the new president of the republic on his stunning election success and his appointment of a government. The Deputy will know that one member of that government has strong links with Normandy and we have strong, not only historic and cultural links with Normandy, but ongoing links with Normandy. We have refreshed and renewed the Channel Island’s French office and they have a mandate to continue to build bridges and links with Paris. That happens not only in Normandy, in Paris, also in Brussels, through the ambassador in London as well. All things being equal, I will be in Paris on 7th and 8th June continuing to build on those important links because they will be into the future an important partner for us.

### **5.7 Deputy R. Labey:**

The chairman of the Corporate Services Scrutiny Panel was vilified by the Council of Ministers when he went about his duties, as this House has asked him to do, and scrutinised the hospital funding. He was also vilified just recently by P.P.C. and he is doing their job for them as well over the last couple of weeks. Is he not owed an apology?

**Senator I.J. Gorst:**

I said that I thought that the Scrutiny Panel, and particularly their advisers, had done an excellent job. This Assembly decided that they wanted them to do that job and I congratulate them for the job that they have done. I think it would be wrong - have we learnt nothing from the Innovation Fund Review? - it would be wrong for us to continue without taking proper consideration to what that adviser asked us to consider. That is what we are doing. We should not get bogged down in personalities. I am sorry if the chairman himself has taken it personally. Hopefully things that happen in this Assembly are taken personally but it is wrong for us to translate all issues into personality rather than policy. They did a good review, their experts raised some issues, and we and I agree with the Minister for Treasury and Resources that the approach that is now being proposed is the right way forward. I think that we will continue to borrow but there were a number of technical issues, largely about when. That Scrutiny review said: “You do not need the money until 2019 or 2020.”

**The Bailiff:**

Chief Minister.

**Senator I.J. Gorst:**

“You should stop and ask whether you want to take it now or later.”

**The Bailiff:**

Chief Minister, I am sorry, but that is going outside the question. Deputy Le Fondré.

**Deputy J.A.N. Le Fondré:**

I have got about 3 questions generating but I will stick to my original one.

**The Bailiff:**

You have got time for one.

**5.8 Deputy J.A.N. Le Fondré:**

I know. The Chief Minister is quoted as saying that there had never been a black hole. On the basis that a “black hole” is a reference to a deficit over a number of years, could the Chief Minister clarify whether he has ever said there has never been a black hole and, if so, why?

**Senator I.J. Gorst:**

I have been criticised over the last 10 days for saying we have got a balanced budget and our plan to ensure that there is not a deficit at 2019 is working. People are saying to me: “You said there was going to be a black hole, Chief Minister, and now there is not a black hole. What has happened to it?” I never said there was going to be a black hole. I said: “If you want to invest in Health, if you want to invest in Education, if you want to invest in Infrastructure [and I do] then this is the plan that we need to follow to ensure that we have a balanced budget.”

**The Bailiff:**

Time is up, Chief Minister.

**Senator I.J. Gorst:**

That is what we have done, that is what we are doing, and it is proving to be successful.

**The Bailiff:**

Time is up, Chief Minister. That brings question time to an end.

## **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

### **6. The Minister for Treasury and Resources - statement regarding the Future Hospital Funding Strategy**

**The Bailiff:**

We have nothing under J. Statements on a Matter of Official Responsibility, we have received notice from the Minister for Treasury and Resources that he wishes to make a statement with regard to Future Hospital Funding. It is being distributed at the moment; I will just wait for it to be distributed. The Minister for Treasury and Resources.

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

The Council of Ministers remains fully committed to the delivery of a modern new hospital to meet the needs of our community for the future. However, we have to get the timing and the level of borrowing right for this important project. So, following discussion with the Chief Minister and other members of the Council of Ministers, I have agreed to withdraw this proposition on the Future Hospital Funding Strategy until the autumn when there should be greater certainty about key aspects of the project. I would like to stress that this should not disrupt progress on the delivery of

a new hospital as officers will continue with the preparation work necessary to keep the project on schedule. I know that many people are concerned about the cost of the hospital and about the level of borrowing that it may require. I remain convinced, based upon professional advice, that using a blend of borrowing and reserves is the right way to fund the hospital construction. Equally, I remain convinced that using solely the Strategic Reserve in these uncertain times is not the right solution. Indeed, we recently received a report from the Chartered Institute of Public Finance and Accountancy commissioned by the Corporate Services Scrutiny Panel. This report recognised the merits of combining borrowing with some reserves to fund the hospital but it also suggested that we should wait until the project costs and the risks become clearer before deciding on the final funding blend. We have listened and have decided to wait until the autumn when we will have a more detailed business case and an updated budget and greater clarity on the planning process. We will then be in a better position to make a final decision on the best way to optimise the blend of borrowing and reserves. I must be clear, as I have been before, that risks remain in delaying a decision on borrowing. However, there are also some advantages in having greater certainty on the project timing, budget and planning process. Members will be invited to debate the business case, updated budget and funding strategy together in the autumn. It is hoped that this co-ordinated approach will assist Members in reaching an informed decision on what is the Island's largest and most important capital project. Thank you.

**The Bailiff:**

I open questions for the Minister. I will start with Senator Ferguson.

**6.1.1 Senator S.C. Ferguson:**

Given that it was a very late decision, would the Minister tell the Assembly who was involved with the decision, which Ministers, which elected Members of this Assembly and any members of the public?

[11:30]

**Senator A.J.H. Maclean:**

I regret, as I mentioned to Members in my email late yesterday, that the decision was late and that I had to inform Members late of the decision for this withdrawal. With regard to who was responsible, ultimately the proposition is lodged in the name of the Minister for Treasury and Resources, so it is my responsibility with regard to withdrawing the proposition. That decision was taken after discussions, as I said in my opening comments, with the Chief Minister and members of the Council of Ministers who had some concerns over certain aspects, as indeed Members have over time, and indeed members of the community as a whole. This is a highly-emotive subject, it is a complex matter, and it is important as far as I am concerned that there is absolute support with the decision and the proposal that is put forward and that as many Members of this Assembly are also included in that process which of course is why Scrutiny had such an important role to play.

**6.1.2 Senator S.C. Ferguson:**

A supplementary? That was no answer to the question which I asked. Given that this is a very important decision, who was involved with the decision?

**Senator A.J.H. Maclean:**

With the greatest respect to the Senator, I did feel I answered the question. Ultimately the decision to withdraw is mine, as I lodged the proposition, but it was taken in consultation with the Chief Minister and members of the Council of Ministers. That decision was taken late, as I have stated, and it was taken yesterday, and Members were informed as soon after as possible.

**6.1.3 Deputy J.A. Hilton:**



The Minister states in what he has just read to us: “We have listened and decided to wait until the autumn.” Can the Minister confirm whether the decision to postpone this was based entirely on the report that the Scrutiny Panel commissioned when looking at the financing of the hospital. Was that the only reason?

**Senator A.J.H. Maclean:**

Of course there is more than one report that the Scrutiny Panel have commissioned and one of those reports produced by C.I.P.F.A. (Chartered Institute of Public Finance and Accountancy), which I quoted in my statement, was a contributing factor to the decision but of course it was not the only factor in the decision.

**6.1.4 Deputy J.A. Hilton:**

If there were other factors would the Minister like to tell Members what those other factors were?

**Senator A.J.H. Maclean:**

Yes, I covered them largely in my statement earlier. They concerned issues around uncertainty, which was of course captured by the comments made by the C.I.P.F.A. report, with regard to costs, timing, and of course the planning process. Those are the headings and areas where we feel that more clarity is needed, and that will become apparent in the coming months and autumn would give us the position where we will have an updated budget, greater clarity over the planning process, and timings as well, which is obviously important in the decision of a blend of the funding options.

**6.1.5 The Deputy of St John:**

The Corporate Services Scrutiny Panel released their report over 5 weeks ago and it took until 7.10 p.m. last night to receive an email to advise that is being withdrawn. Can the Minister explain why this was not discussed at a Council of Ministers meeting with all Ministers involved and for an appropriate decision to be made there and not on the hoof by a few Members of the Council of Ministers or Back-Benchers?

**Senator A.J.H. Maclean:**

I can be absolutely clear, it was not a question of making a decision on the hoof, it was a question that there had been some concerns raised over many, many months by Members of this Assembly, by Scrutiny, by members of the public, and indeed there were members of the Council of Ministers also who had concerns over that period of time. It was right on Monday, yesterday, that the Chief Minister and I discussed the issue and indeed had a further discussion with Members. In fact, the C.I.P.F.A. report came out about 3 weeks ago when it was published and, as I have said, that was just part of the decision making process, not all the process.

**6.1.6 Deputy R. Labey:**

The word attributed to Ministers in this Minister’s position by the press in situations like this is very often “embattled”. I wonder how long does he feel he can endure matters proceeding in the way that they have recently?

**Senator A.J.H. Maclean:**

Many Ministers from time to time are embattled, as the Deputy said. We have a job to do and we get on and we do it to the best of our abilities. The important thing is to serve Islanders and to serve this Island in the way that we believe is most appropriate and is most appropriate for the office in which we hold. I have said during my statement that I believe that the Treasury Department, the Treasurer, and our professional advisers, have done a splendid job in pulling together what I believe is a solution for the funding of our hospital. I have no doubt that the hospital will be funded. I have no doubt, as Members here are absolutely convinced, that there is a

need for a hospital and, as such, we have a job of work to do and I intend to see it through to ensure that we get that project - one of the most important capital projects this Island will have ever faced - off the ground and secure for the future.

**6.1.7 The Connétable of St. John:**

Can the Minister confirm or deny that he has received unsolicited external advice?

**Senator A.J.H. Maclean:**

I am not quite sure what the Constable means by that. I can answer if there is a question of are there other opinions as to how the hospital may be funded: there are lots of opinions as to how the hospital could be funded. Some have come directly to me; others have come indirectly to me. As far as I am concerned, like any Minister, I make a decision based on professional advice. So any information that comes to me about proposed ways to fund the hospital gets directed to my officers and my advisers to go through a proper process of assessing that option, and that is the way in which it should be done and is done.

**The Connétable of St. John:**

A supplementary, sir?

**The Bailiff:**

I will come back to. There are numbers of Members wanting to ask questions. Get your question in first as you want it answered.

**6.1.8 Deputy R.J. Renouf of St. Ouen:**

Does the Minister accept that Scrutiny should be offered the opportunity of reviewing the business case that will be brought forward? In his statement the Minister has spoken about an autumn debate; can he tell us precisely the timeline that he envisages once the business case has been produced - allowing time, I hope, for Scrutiny - and was this at all discussed with the Scrutiny Department?

**Senator A.J.H. Maclean:**

With regard to the business case, and indeed the further information to which I have alluded to in the statement, which I think is going to improve the decision-making ability for Members, yes, the business case will go to Scrutiny; Scrutiny should of course have a look at the business case. By the autumn it will be in a position where it is much more worked up and effective than would have been the case in its current form. With regard to the timeline I would come back to the Deputy, if I may, with regard to that. We have used the term “autumn”, there are a number of moving parts in this and I would like to clarify with others that are involved in this process exactly what that timing would look like.

**6.1.9 Deputy M. Tadier:**

It was only on 18th April that the Minister stood in this Assembly and, to quote Hansard, said: “I think a 2-week delay is reasonable. To leave it any longer than that is just increasing the risk and the uncertainty. This is a project we need to get on with. We need to make a decision.” Now we are in the Assembly 5 weeks on, so not only has the 2 weeks long passed but a further delay is being proposed by him. Why the U-turn?

**Senator A.J.H. Maclean:**

Since January in fact I can go back even further, I have stood in this Assembly talking about the risks of not proceeding with this particular funding strategy. The Deputy is right, in April I repeated that, and I also repeated the risks and the statement that I have just given also referred to

the risks of delay with regard to borrowing. The borrowing rates, the bond rates have gone up and down in the intervening period. In fact back in January they were at 2.6, I think it was, they dropped down to about 2.43, they are currently as of last Friday at 2.57. They are all over the place, as Members will not be surprised to hear. My position has not changed. There is risk in delay with regard to borrowing, but there are also advantages - as I have said in my statement - in waiting to make sure that we have more information and, importantly, that Members have more information about costs, about timing, about the planning process; areas that are important for the decision making process to be as effective as possible.

**6.1.10 Deputy J.A.N. Le Fondré:**

The Minister has just said that his position has not changed which means, I assume, he has not changed his mind about the funding strategy for the hospital. If he could confirm that is the case, in which case if he has not changed his mind on the funding strategy who first raised the suggestion of cancelling this debate?

**Senator A.J.H. Maclean:**

The Deputy is right; I have not changed my mind because my mind was made up based on professional advice. As I have already said, the Treasurer, the Treasury Department, have done an excellent job together with external advisers in putting together a strategy which is a blended strategy for funding the hospital, which I have talked about on numerous occasions in public. I believe that is the right decision. I, therefore, would say to the Deputy with regard to the delay in this particular proposition - or withdrawal, I should say - to be represented in the autumn: it is important that all Ministers are supportive as we move forward and that all Members are supportive, and indeed that Scrutiny have had their opportunity to have done the review that they have now undertaken, which incidentally I think is an excellent review in terms of what has been produced. We need to take people with us on this journey for the largest capital project that this Island will have ever committed itself.

**Deputy J.A.N. Le Fondré:**

Just to pick up on my question which was: who first raised the suggestion to cancel this debate?

**Senator A.J.H. Maclean:**

That was discussed, as I have mentioned several times, among Ministers. I do not wish to go into naming individuals but there are some Ministers who have concerns about certain elements, as indeed there are Members of this Assembly who have concerns, and members of the community of large. We have to ensure that we take people with us.

**Deputy J.A.N. Le Fondré:**

Could you just confirm it was not the Minister for Treasury and Resources?

**Senator A.J.H. Maclean:**

The Minister for Treasury and Resources I think has made it clear that he supports the funding proposal that has been presented. It is a funding proposal, as I have said several times, that was based on professional advice, and I think that is the right decision. There are some advantages in delaying this debate or withdrawing it and re-presenting it in the autumn, which will allow greater clarity in the areas that I have already mentioned.

**6.1.11 Deputy M.R. Higgins:**

For the avoidance of doubt, and clarity, will the Minister name those who were involved yesterday in the decision to withdraw the proposition today? Senator Ferguson asked you, you avoided it. Just tell us exactly which Ministers were involved in the decision, and others.

**Senator A.J.H. Maclean:**

I did not ignore it at all. I said I take the responsibility, as the Minister who lodged this proposition, it is only for I to withdraw and, therefore, I did that based on consultation with the Chief Minister and Members of the Council of Ministers.

**Deputy M.R. Higgins:**

Which Members?

**Senator A.J.H. Maclean:**

I am not prepared to go into details any further than what I have already said.

**6.1.12 Connétable D.W. Mezbourian of St. Lawrence:**

I am very disappointed with this statement because in my opinion it tells us nothing. **[Approbation]** I have used an exercise to cross out all of these paragraphs which tell us nothing, the only thing I can find in here is that the Minister tells us that the timing is not right. The timing is not right for the decision to be made. Will he tell us orally what he is not telling us in this written statement?

**Senator A.J.H. Maclean:**

I am not entirely clear on the question. I hoped that my statement was clear. I hoped that the questions I have since answered, which have elaborated on that around the rationale for the delay to give greater clarity around the issues of costs and timing and the planning process, are absolutely clear. Those are points picked up by the C.I.P.F.A. experts who were employed and contracted by the Corporate Services Scrutiny Panel. I think that is clear, hopefully.

**6.1.13 The Connétable of St. John:**

Will the Minister apologise to the owners of the properties that are subject to purchase in order to make way for the new hospital for the uncertainty and lack of clarity that this has caused?

**Senator A.J.H. Maclean:**

I am assured that there are no delays currently envisaged with the project, including those matters to which the Constable has just alluded to.

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

The present funding for the preparatory work involved in the future hospital project was voted by this Assembly a long time ago, and I believe even the previous M.T.F.P. From my Scrutiny work I know that it was always imagined that further necessary funding would be available by now during the process. So how is the future hospital project to be funded in this interim period before this debate, which the Minister says might take place in the autumn? Will the Minister share the details of where the funding is coming from or how the present amounts that have been voted will be eked out, and how is it anticipated that ...

**The Bailiff:**

That is quite enough, Deputy. We have already run over.

[11:45]

**Senator A.J.H. Maclean:**

Yes, I can give some information on that. The budget that was allocated was just short of £33 million. There is approximately £17 million in round numbers left available for the project team, and indeed, as I have already said, I have been assured that there are no delays envisaged with the

project progressing, the hospital project, by this delay until the autumn. In fact I am advised that funding is available up until the end of the year. Further clarity on that has been sought to make sure that nothing is being missed and I will update Members if there is anything that I am advised that is contrary to that comment at a later date.

**The Bailiff:**

That brings questions on the Minister's statement to an end. I give notice that the Privileges and Procedures Committee has lodged Draft Amendment No. 31 of the Standing Orders of the States of Jersey, P.43.

**PUBLIC BUSINESS**

**The Bailiff:**

We now come to Public Business. I understand you wish to withdraw the hospital funding debate, Minister, but do you also wish to withdraw for the time being the Draft Public Finance as amended?

**Senator A.J.H. Maclean:**

Yes, Sir, please. Thank you.

**7. Parish Rates: payment by the States of Jersey (P.12/2017)**

**The Bailiff:**

We now come to P.12, Parish Rates Payment by the States of Jersey. I ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Minister for Treasury and Resources to consult on and bring forward for debate proposals for the payment of Parish rates by the States in 2018.

**7.1 The Connétable of St. Helier:**

I am sure the Minister of Treasury and Resources will be pleased to receive probably what will be the only pat on the back he gets today from me for his comment on the proposition, and indeed his willingness to accept the proposition, which would hopefully mean we do not have to have a long debate about it. Just to remind Members who have not been in the States as long as I have that the States have been pondering the issue of paying rates on their properties for at least 20 years. They have debated the matter numerous times, successive Chief Ministers and before them Presidents of Policy and Resources and Presidents of the Finance and Economics Committee have brought forward proposals to pay rates, which if they had been accepted back in the early years of this millennium would have meant that all the Parishes were receiving some proceeds and all ratepayers around the Island would be seeing a reduction in their rates, if that is how they chose to reflect the extra quarters paid into their rates income. However, we are where we are, as one Chief Minister famously said, and we have now agreed as an Assembly to bring in the payment of rates on States properties. We have agreed that on numerous occasions, but most recently as part of the Strategic Plan and the Medium Term Financial Plan; so that decision has been made. What we failed to do on 14th December - and I have suggested Members whose memories are rusty look back at that debate on Hansard - we failed to agree the payment to the Parishes, although, somewhat bizarrely, we agreed the more difficult part of the finance debate which was how the money would be raised.

That always in the past of course had been the problem that stopped this matter going through. But back in December we approved the mechanism but we then refused that the money allocated to the relevant budget should be passed over to the Parishes. So I am simply asking Members to agree, as the Minister for Treasury and Resources has agreed to do, that he consults - clearly most importantly with the Constables - on this matter of paying rates and we allow him to bring forward his plans to do that in early course so that all Parishes can benefit from a reduction in their rates, which they at annual Parish Assemblies will choose to spend either on improving services to Parishioners or in reducing the rates. I comment the proposition to the States.

**The Bailiff:**

Is the proposition seconded? **[Seconded]**

**7.1.1 The Connétable of St. John:**

This has, as the Constable of St. Helier has pointed, been debated many times, and I feel that I would just like to reaffirm my position and I know the position of my Parish. We are not against the States paying rates but I am vehemently against anything that may increase the rates to my Parish. As many people know, previously rates in the country Parishes were substantially increased and I write out a cheque every year, last year it was £320,000 or 44 per cent of my Parish rate handed over to the States for welfare. This was a cheque that we never had to pay before and it was one that was brought about to reduce the welfare burden on St. Helier. So any mechanism that will increase the burden on the Parish of St. John I will vehemently oppose. Thank you.

**7.1.2 Senator S.C. Ferguson:**

Much on the same lines as my colleague, the Connétable of St. John, my question is where are the funds coming from? I agree entirely with everything that the Connétable has said and I just say, well, it is fine to say let us pay the rates but what is the funding stream?

**7.1.3 Senator P.F.C. Ozouf:**

There has been a number of remarks made in recent days about manifestos and manifestos commitment, and a number of Members of this Assembly got elected on the basis of doing exactly what the Constable of St. Helier has said, which was a fairer deal for St. Helier. The Constable of St. John may lament writing a cheque for welfare but he said "St. Helier". If I may remind the Constable, who was not in the Assembly at the time, there was a huge unfairness among the populous Parishes of St. Saviour, St. Helier and St. Clement in relation to the welfare costs which were always, as far as natives - we even had a description of non-natives and natives - where the bill would be sent to the centre for non-natives, people who had lived from memory less than 5 years, and those over 5 years. The conservative government proposal manifesto has been criticised because of an ageing society, and the cheque that he writes to the centre is a far lesser cheque than ratepayers of all Parishes would have made if we would not have dealt with fairness in relation to the welfare burden. Welfare includes residential costs, it includes a number of issues, and the deal that was arrived at a number of years which was to end the unfairness, because of where social housing and where the situate of a number of the then Housing Committee properties, and a number of other things, meant that some Parishes - and especially St. Helier - was most egregiously unfairly dealt with. There was a long term plan to have fairness with the Parishes and fairness means that there is also an unfair distribution or an unequal distribution of States properties in different Parishes of which St. Saviour has the majority of the schools and St. Helier has the majority of States offices. This is one of fairness and it is one of the final aspects of what was originally the States Parish Working Party to plan for the future as this Assembly - unlike other Governments - have not done, which is basically sorting out the ageing society, dealing with domiciliary care, putting a long-term care proposal in for funding; all the good work from the Minister for Social Security, *et cetera*. There are advantages and disadvantages in many aspects. Some people lament

the moving and centralisation of welfare. Of course there was a disadvantage perhaps with not a Parish connection. On the other side of it there was fairness with a greater number of working families getting welfare entitlements. There was a massive transfer payment from central revenues into people who were not getting help that they needed. Now, there is one aspect which the Constable is addressing in this proposition which is about the unfairness of the distribution of States property. It cannot be right to ask the people of St. Helier to be the centre of residency, the centre of the economy, the centre of our tourism industry to a large extent, and effectively to have nothing in relation to the costs incurred in having States properties in their Parishes. This is why it is the right thing to do. It has been a long time coming; it has taken too long. There is a proposal to deal with how to pay for it; I am not going to speak about that because Members know about it. There is also unfairness at the moment in relation to the rating system and if some Parishes do not want to do it perhaps they should not have to do it, but the fact is that the commercial rate has become unfair because of the changing rental costs, offices are not paying enough, retail premises are paying too much, hotels are paying too much, and there needs to be reorganisation. The Constable of St. Helier is to be congratulated for his persistence and his long-term service to the parishioners of St. Helier who he is responsible for, to ensure that there is fairness. It is a lot fairer than it used to be, if I may say, compared to 15, 20 years ago, but it is not fair and we should deal with this. I do not think the Constable of St. Helier should be criticised. He has been a Constable who has accepted the fact that there should be more accommodation in St. Helier, there should be a growing economy, there should be a vibrant St. Helier, but with those responsibilities comes costs and this is one way of defraying them. I enthusiastically, wholly support it and I think a majority of people that I spoke to at election time when they saw the facts knew that this was unfair and it should be dealt with and it has got to be dealt with, and this is the proposition that deals with it. I congratulate both the Minister for Treasury and Resources for accepting it and his remarks and his comments, and the Constable for bringing it forward. It is absolutely the right thing to do.

#### **7.1.4 Deputy M.R. Higgins:**

I think I have been in the Assembly 9 years and I do not think I have ever agreed more with Senator Ozouf. **[Laughter]** I would also like to say that it is a question of fairness and it is right that St. Helier should be able to receive rates money from States buildings, as does St. Saviour with the bulk of the schools they have got. The only thing I really wanted to say was that I would also like to thank the Minister for Treasury and Resources as well for his comments paper, and he is still going to come forward with it. The only thing is I find fault with the very last paragraph because it is a danger of the matter never coming back, because we know that some of the country Parishes are vehemently opposed to anything to raise money for St. Helier or even St. Saviour if it means they will pay any more. The Minister has said in his final paragraph: “The Minister will not bring further legislative changes to the Assembly without sharing the draft wording of the legislative changes with the Constables, making changes to the draft wording as appropriate, following that consultation process which is underway.” The truth of the matter is he may never ever get agreement on what the final thing would be and, therefore, you will not be able to bring it back in 2018. So I hope that the Minister for Treasury and Resources will allay my fears and will bring back something to the House in 2017 so we can again have a debate on it and the public can see where the problems lie. Thank you.

#### **7.1.5 Senator A.J.H. Maclean:**

As I have said in my written comments, I do support the Constable’s proposition which asks me to consult on and bring forward for debate proposals for the payment of Parish rates by the States in 2018. The reason for my support is that I have already started the process of consulting with colleagues in this Assembly, in particular my friends the Connétables. There is much more consultation to be undertaken. We have had a meeting and I have had independent discussions with

one or 2 others, but there is much, much more to do. While I cannot guarantee that all the practical issues will be resolved in time for the States to pay rates in 2018; that is the timetable that I have asked officers in my department to work towards. Although this Assembly rejected detailed proposals to give effect to the payment of rates last December, it has been very clear in giving a mandate to progress the matter. An amendment in the Strategic Plan was approved and the Medium Term Financial Plan was approved as well, including the payment of rates. The reissued Budget Statement 2017 following the debate in December stated, and I will quote if I may: "Further work will now be required with the Constables during 2017 to agree how to progress the payment funding of the States payment of Parish rates." I can give an undertaking to this Assembly that I will not bring further legislative changes to this Assembly without sharing the draft wording of those changes with the Constables. I will make changes to the draft wording as appropriate following that consultation process.

[12:00]

I would not be being entirely truthful if I gave the impression there were not issues to resolve with my colleagues, including the Constables. However, there are barriers to overcome rather than reasons for not proceeding with this Assembly's instructions. I look forward to bringing more detailed proposals to this Assembly regarding this matter in due course. Thank you.

#### **7.1.6 Deputy J.A.N. Le Fondré:**

I have always had a very simple perspective on this; I have always supported the States paying rates. I make one plea which is I think in the last proposals in December I guess it was going to be recycled, for want of a better expression, against other charges. So essentially we were putting up taxes, we were moving charges on to other people to mitigate the impact on the States, I did not think that was right and I think that is why it was rejected then. So my plea is keep it simple, that is the principle, the States should be paying rates. One of the reasons I have always been very keen on it is in certain instances the States do act in competition to the private sector but it does not always share the same costs, and this is one of them. Therefore, sometimes you get these stories: "We can do it cheaper" or whatever it is, but there is this kind of hidden subsidy going into States activities versus what the private sector is doing. What I also will recollect - and I would not like to guarantee but I think my memory is accurate because I was chairman of a working party on the rates when I was in Treasury some many years ago, somewhere around 2006, 2007 - and my recollection is that the recommendation of that working party was not only that the States should pay rates but taxes should not be increased to compensate for that. So that is my one plea to the parties involved. I very much support where we are going but it should not be by increasing taxes to compensate for it.

#### **7.1.7 Connétable L. Norman of St. Clement:**

Just briefly, the Comité des Connétables certainly look forward to further consultation with the Minister for Treasury and Resources and hope that at the end of the day the proposition that comes forward will be much more sensible and, as Deputy Le Fondré said, straightforward than the one that came up in the budget. I would say to Deputy Higgins, to console him, the comments of the Minister for Treasury and Resources do not say to obtain the agreement of the Connétables but simply to share his thoughts with us, and we look forward to that. Certainly over the last few years the majority of the Connétables have been opposed to the proposition of the States paying rates on the way that they have been proposed in the past, and there are many reasons for that. One of them perhaps is that, as the Constable of St. Helier said in his opening comments, if the States were paying rates the ratepayers would be paying less in rates. Now, basically that is true but then someone has got to pay for that. So in this case we talk about the States paying rates, really it is the taxpayer paying rates. So if the ratepayer gets a discount, gets a reduction in the rate, it is the



taxpayer who picks up the bill and who has to pay more in tax or get less services. So really under the proposals we have had in the past it has just been a game of money-go-round. The Constable also said that we have agreed the funding mechanism. I do not think that is true, I mean, I do not recall having agreed a funding mechanism, I know some money has been put in the budgets of the various departments, but I do not think a mechanism has been agreed. In fact what was an open secret was that what the Treasury were hoping to do was to pay for the rates that they have to pay through an increase in the Island-wide rate. So once again you would have this situation where the rates would go down for the ratepayer in one hand, good news, but then the Island-wide rate would go up so it is the same amount of money being paid for by the same people, but a good bookkeeping exercise going on at the Treasury. We just need to bear that in mind and that is why the consultation is so important. I repeat again, it is not so much the States having to pay rates but the taxpayer having to pay rates. We need to be very careful and get this right and get it simple. Thank you.

**The Bailiff:**

Does any other Member wish to speak? I call on the Connétable to reply.

**7.1.8 The Connétable of St. Helier:**

That is one of the shortest debates we have had on the subject of the States paying rates, and I thank everyone who spoke. The Constable of St. John, as he says, has not been doing this as long as I have, so when he refers to the welfare burden falling upon St. Helier he is of course not entirely correct. All of the urban Parishes, particularly St. Helier but also St. Saviour, St. Clement and St. Brelade, have large welfare bills which is why it was so important that we brought in a system that did not simply load welfare payments on those who happened to live in certain Parishes. That was the income support scheme that has now been in for some years and is being constantly worked at, not only by the Minister but of course by her friends on Scrutiny. But the welfare burden has to be made fair, it was made fair, and the fact that St. John residents contribute more for the welfare of Islanders is a matter of fairness, I hope that he does not really have a problem with that. Of course it is right that every Parish fights their own corner, every Constable has a certain parochial view of things, but we are also in the States Assembly to represent the Island, not just our Parishes. Senator Ferguson asked where the funds would be coming from and that was a matter that other Members returned to. Senator Ferguson was one of those who caused this to be lost in December last year; it was lost by 3 votes. I perhaps should spare the blushes of some Members but there is a certain Parish not that far from here whose ratepayers would have been £156,000 better off in the July Assembly, who has denied their ratepayers that income. Senator Ferguson as a Senator represents St. Helier and I would ask her to be mindful of the needs of this Parish, and indeed the other urban Parishes, as she approaches next year's elections. Senator Ozouf I thought made a very good speech in which he reminded Members that this is about fairness but it is also about a better use of property. One of the concerns that people had in the early years of the millennium when they looked at the issue of rates was that the States had this huge property portfolio - and we do not need to go through them, we would be here until this evening - of properties sitting empty and nothing happening to them. But if the States had to pay rates on their vacant properties then they might be in a bit more of a hurry to make better use of their property portfolio. The other example which I have used before, and it is just across the road from here, is Morier House. If anyone doubts the unfairness of a Parish with lots of public buildings not receiving rates on them they only have to look at Morier House, which when it was a bank paid rates for the Parish of St. Helier and when it became a government department it stopped doing so. That cannot be right. Senator Ozouf also spoke about the *quid pro quo* which is my phrase for the fact that this Parish in particular has agreed to accept the bulk of development, the bulk of housing, it has to have the bulk of the traffic; he calls it a centre of tourism which I think is excellent. But there has to be a *quid pro quo* and that

is that if St. Helier’s position is unfair - as it was agreed to be back in the report he referred to, which was published in the year 2000, the relationship of the Parishes and the States - then surely we must get that right. If St. Helier is to take the majority of development it must be treated fairly by government. I would like to thank Deputy Higgins for seconding the proposition. As he says, it is not just about St. Helier, it is about other Parishes like St. Saviour ... I am sorry, I have gone and let it slip about the £156,000, but that is a matter for the Constable and her parishioners in July. I am grateful to the Minister for Treasury and Resources for his support. I am pleased to hear that his officers have the process underway because there is a lot of work to do if these cheques are to be handed over next year, and I am pleased that he referred to the revised budget statement which of course reinforced his commitment to it; that is why I think he is a good fellow, even today on this difficult day. Deputy Le Fondré, again showing his age. He was indeed in a working party which recommended the payment of rates by the States back in 2007, I think it was, and the then Chief Minister, Senator Le Sueur, came to the States and said: “Yes, we will pay rates. We will pay rates next year.” I think it was 2008. That is 10 years ago. He said: “We will pay rates but we are going to take it back from ratepayers with the other hand.” At which point I pulled my proposition and it went no further. What we have had I think now established, and Deputy Le Fondré requests this, is a clear indication that the money will not simply be taken from the Parishes and given back to the Parishes with the other hand; that simply would not be right. Finally, the Constable of St. Clement voiced his concerns about how it would be funded. He said that I had been incorrect in informing the Assembly that the funding mechanism had been approved and I would draw Members’ attention to my report where I refer to the amendment that did get through last December, the Draft Finance 2017 Budget (Jersey) Law, Article 16 providing the mechanism for a revaluation of rateable values and, therefore, the prospect of a financial sustainable approach to the States paying rates. That was an important decision because revaluing rates does in particular mean that the large commercial premises that Senator Ozouf referred to and has referred to in the past will pay more of their share. The current problem is that we have a large financial services industry in Grade A properties, on the Waterfront in particular, who admit themselves they are paying far less than they would expect to pay in any other jurisdiction in terms of commercial rates. When they pay more we will see the smaller retailer, the smaller restaurants paying less. That is why the revaluation was approved, that is why in spite of the disappointment of 14th December it was a red letter day because we approved the mechanism that will allow rates to be paid. So I do hope that with that the Constable of St. Clement will give his support to this proposition and that we can allow the Minister for Treasury and Resources to get on with his work and leave the Chamber today with a lighter heart than he came in with. Thank you, I maintain the proposition.

**The Bailiff:**

All those in favour of adopting ...the appel is called for. I invite Members to return to their seats. The vote is on the proposition of the Connétable of St. Helier, and I ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Connétable of Trinity		
Senator A.J.H. Maclean		Deputy K.C. Lewis (S)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				

Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy R.G. Bryans (H)				
Deputy R.J. Rondel (H)				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

## **8. Jersey Sport: establishment (P.21/2017)**

### **The Bailiff:**

We now come to the debate on P.21 - Jersey Sport: Establishment - lodged by the Minister for Economic Development, Tourism, Sport and Culture. I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion to refer to their Act dated 1st February 2011 in which they approved Shadow Boards and Ministerial Boards: approval by the States, (P.170/2010), and to approve the establishment of Jersey Sport as an independent grant-funded body, by means of a purpose trust named the Jersey Sport Development Trust, holding shares in Jersey Sport Limited, a company limited by shares in accordance with the attached Articles of Association.

### **The Bailiff:**

Would you like your Assistant Minister to propose this, Minister?

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

Yes, please.

### **8.1 Connétable S.W. Pallett of St. Brelade (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):**

I would just ask if I could just maybe add to your comments this morning, just as Assistant Minister in the department responsible for sport and culture. I was horrified and disgusted that yet again an entertainment venue used for both sport and culture was targeted for a terrorist attack. It was a soft target; it seems to have included children out for a fun evening watching a concert. I think we all should be able to go and watch a sporting event, or in this case a pop concert, without the risk of being killed or maimed. It brought tears to my eyes this morning and with a very simple question: why? I will move on to the proposition. This debate is first and foremost about whether putting sport at arm's length from government is the right thing to do, and I am sure that it is. If the States agree with me we should then consider a second question: are we doing it the right way? I am convinced that we are. Members may already be quite familiar with the Jersey Sport concept; if so that is perhaps a reflection on just how much of the development of this proposal has taken place in the public domain. The concept has been the subject of extensive public consultation, open stakeholder discussions and published reports since February 2013, when the then Education, Sport and Culture Department published its Sports Strategy Green Paper. The initial Green Paper generated more than 500 responses. It identified clear support for changing how sport was organised in Jersey, creating a new independent body to oversee sport, and providing a new and dedicated voice for the sporting community.

[12:15]

A 5-year sports strategy, *Fit for the Future*, was openly published and implemented off the back of that Green Paper. The strategy, which took us through to the notable successful 2015 NatWest Island Games and beyond, specifically called for the creation of a new independent, grant-funded sports body. That strategy really is the genesis of Jersey Sport. While *Fit for the Future* outlined in clear terms what was needed, we still needed to flesh out the model and explained how it could be delivered. Again, the outcome of that work was openly published, as was the Ministerial Decision to endorse the approach. A specialist sports consultancy, Knight Kavanagh Page, was commissioned by Education, Sport and Culture. They consulted the Jersey sports community, States Members and departments, it verified the outcomes of the Green Paper consultation, and confirmed the extent of support within the sporting community, and it outlined the way forward with 17 conclusions and clear recommendations. Again, this report was openly published and it remains available on the Government website. In December 2015 and following the endorsement of the K.K.P. (Knight Kavanagh Page) report, a shadow board was established and recruited under the supervision of the Appointments Commission. It began work on developing and consulting on the scope of the organisation and the best structure to ensure its independence from government. The shadow board published its Sports report in September 2016, recommending that the new organisation be established as a company limited by shares, operating under a special purpose non-charitable trust. On 23rd September 2016, as Assistant Minister with responsibility for Sport, I authorised officers to undertake the measures necessary to establish the corporate structure of Jersey Sport Limited. A transition director was appointed subsequently and he has successfully progressed plans to a stage whereby if the States decides to approve its establishment today the organisation can become operational within a matter of weeks. In January 2017 the necessary shell organisations were formed. These are not yet operational and will not become so unless the States approves this proposition today. An internal review of the Jersey Sport project was undertaken in January 2017. The decision in the States in respect of P.170/2010 was considered as part of this review and I was advised for the first time that the Jersey Sport model fell within the scope of the P.170 decision. On that basis I decided to seek the formal approval of the States Assembly for the establishment of Jersey Sport Limited. This proposition was duly lodged in March of this year and it is the approval of that that I am asking Members for support today. So what is Jersey Sport? Accepting that the model has been talked about quite widely in the sporting community, I should briefly revisit for the benefit of Members what Jersey Sport is designed to do. Jersey Sport will be

an external body with the freedom to become the voice in the Island for sporting interests and sports development. It will be guided by a robust, tightly defined partnership agreement, closely allied to the staged release of funding throughout any given year. As the accompanying report to this proposition explains, Jersey Sport will, among other things, look to further enhance the good reputation of sport in Jersey; share best practice, knowledge and insights locally and from abroad; bring sports development under one roof; access charitable and other sports funding not available quite often to the States; introduce an entrepreneurial approach to the business of sport; and enable Jersey to be world class at physical literacy; and so much more. For those that may not be familiar with the term “physical literacy” it is the motivation, confidence, physical competence, knowledge and understanding to value and take responsibility for engagement in physical activities for life. It is for everyone, it is not just for children, it is for adults, it is for everybody in our society. Jersey Sport will be a company limited by shares, operating under a purpose non-charitable trust which, under Jersey Law, is not owned either by the States or any other third party body. One of these purposes is the setting up of the operating company, Jersey Sport Limited, its board and executive, the government arrangements, plus establishing the areas of focus for delivery using grant funding to be provided by the E.D.T.S.C. (Economic Development, Tourism, Sport and Culture) Department. The trust provides Jersey Sport with the high degree of independence that the sporting community has been asking for, while at the same time providing a mechanism for the department to ensure that its activities are suitably aligned with government policy. This structure is not dissimilar to that of other bodies established by the States in recent years such as Visit Jersey and Jersey Business. The trustees in the structure have either a close involvement or interest in sport. They are determined to get proactively involved in the supervision of both the company and its board, and they will meet regularly with the board of Jersey Sport Limited to obtain feedback on the organisation’s performance and ensure that the company is complying with its obligations. Where there are proposals to vary or add to the purposes or direction of the company the trustees can discuss these with the board and provide directions as and when appropriate; if agreement cannot be reached matters can be referred to an enforcer who will ensure that the company’s operations remain compliant with States policy and funding objectives. I suspect that many of the existing shadow board members will be known to States Members but for reference biographies are included in the report that accompanies this proposition. The intention is for those shadow board members to become the substantive board, but it is supplemented by a small number of additional appointees. They are all passionate about sport and have extensive long-term connections with local sports groups, associations and organisations. Their experience, knowledge and professionalism allied to close involvement with the Jersey sporting community makes them the ideal candidates to get Jersey Sport off the ground and adopting the leadership role it is intended to undertake. That expertise is evidenced, in my view, by the quality of the Sports report that they produced last year. I am pleased to confirm that all the shadow board members have expressed a wish to continue their involvement with Jersey Sport, and that the Appointments Commission has given written confirmation that a smooth transition from shadow to full board membership can take place. One of the fundamental wishes of the current shadow board members is that the shadow sport board should remain non-remunerated. I am pursuing an amendment to the original Articles of Association to achieve that change. I am delighted to be doing so, not least because it shows that the long established tradition of honorary or voluntary service in the Island is alive and well. Indeed, it reflects the approach across the sporting community as a whole, which keeps achieving local and international success as a direct consequence of the effort of an army of hundreds of volunteers who give freely of their time. Jersey Sport will have the benefit of the majority of staff transferring from the existing Sports Development team. All have been given the option of transferring to the new body. Unions have been consulted and I understand that staff have benefited significantly from constructive union engagement. States pension advisers have also been on hand to provide advice. Appropriate new terms and conditions are in place, the terms of

the transfer having been the first case reviewed by the newly created S.E.B. (States Employment Board) sub-group established in accordance with Deputy Southern's P.63/2016. That said sub-group is being chaired by the Connétable of St. Mary and I thank her for chairing that group. A small number of staff have decided not to transition and, recognising their personal decisions, I would sincerely like to thank them for their valued input and wish them the very best for the future. I am pleased to report, however, that most staff are taking up the option of transferring to Jersey Sport, and I should like to thank them for their support and positive engagement with States H.R. (Human Resources), officers of the department, and the Jersey Sport shadow board. I would also like to thank them for their patience. This process has taken longer than envisaged to get to this stage but staff have maintained their high quality professional service in the interim. It is this professionalism that gives me a strong sense of reassurance that Jersey Sport will inherit a team with a track record of delivery and the motivation to make Jersey Sport a real success. Those transitioning staff need the right leader to rally around; the recruitment process for the Chief Executive Officer was overseen by the Appointments Commission. There were 119 applicants, of which 12 were locally qualified. Nine candidates were given preliminary interviews and 3 absolutely outstanding candidates were shortlisted. Interviews took place on 25th January this year and I am pleased to say Catriona McAllister joined the States of Jersey as the Chief Executive Officer Designate of Jersey Sport with effect from 1st May 2017. She is an exceptional candidate and the States stand to benefit greatly from having her in post, irrespective of the States decision today. She has already begun liaising with the Island's sporting community and planning for the future and I have every confidence she will make a very positive impact. If Members approve the establishment of Jersey Sport today Mrs. McAllister will transition into the new body with the other sports development staff over the coming few weeks. In terms of governance, having dealt with the rationale for Jersey Sport and its evolution, I would like to spend just a few minutes just on the governance. The relationship between the Minister and Jersey Sport Limited will be governed by a combination of a partnership agreement and agreed annual business plans which will define the respective roles and responsibilities of the Jersey Sport board and executive, the Assistant Minister for E.D.T.S.C. and officers of E.D.T.S.C. This mirrors the model used by the department in securing compliance and governance at other successful arm's length bodies, the combination of grant agreement, annual schedules and funding arrangements provides the department with an effective degree of direct control over the activities of the company. Should it be necessary, the trust and enforcer will offer additional scope to ensure that the overall purposes of the trust are delivered by the company. Funding will be provided through the E.D.T.S.C. budget and within the agreed cash limits defined in the Medium Term Financial Plan. Jersey Sport will be required to present, agree and deliver an annual business plan with associate outcomes and outputs. The partnership agreement also establishes the need for executives and the board of Jersey Sport to meet with the Assistant Minister on a quarterly basis and share in-depth financial operational and performance data that will allow the department to monitor the progress of the company and delivery against annual business plan targets. Funding will be provided in equal instalments on a quarterly basis annually and the provision of reporting requirements plus quarterly ministerial meetings, set out as I have done, will form the basis upon which to release further tranches of funding. I am going to move on to the quite exceptional input that we have had from the Scrutiny Panel. While I can stand here and reassure Members on governance matters, I am conscious that some will want to take a closer look at any arm's length body in receipt of a grant from the States, and they would be absolutely right to do so. In this regard I am pleased to refer Members to the comments of the Economic Affairs Scrutiny Panel which has been undertaking its own detailed review of the proposition. Panel members have been asking some really searching questions. They have looked at the trustee, the Articles of Association, and the partnership agreement. They have proposed various amendments to the structure and I have accepted a good number of them. They include putting in place a memorandum of understanding between the trustees and the company

that more closely establishes the government's arrangements and types of management information that will be shared, revising enforcer arrangements, trustees themselves are scrutinised by an enforcer whose role is to enforce the trust in relation to its non-charitable purposes. Following extensive discussions with the panel steps are in hand to secure the appointment of the Minister for Economic Development, Tourism, Sport and Culture as the enforcer. This will provide an additional layer of security over the use of public funds with a minimal impact on the operational independence of Jersey Sport Limited, also ensuring that Jersey Sport can be in no doubt as to the need to produce audited accounts for annual disclosure to the States in order that the department can comply with Financial Directions. Having drawn Members' attention to the panel's comments I should acknowledge the panel's criticism of some elements of this project. While I have a view as to whether all of that criticism is warranted, what matters is that the Jersey Sport structure and government arrangements are materially better as a consequence of Scrutiny's involvement. I thank the chairman and his panel, both for its input and for declaring its support. I am, nevertheless, mindful that structures such as this are rarely perfect from the outset. I am also conscious that the Comptroller and Auditor General has been undertaking a review of arm's length bodies. To give Members additional comfort I am more than happy to commit here and now to implementing swiftly any relevant recommendations that may arise in the C. and A.G.'s (Comptroller and Auditor General) forthcoming report. Sport and physical literacy are a vital component of Jersey's D.N.A. (deoxyribonucleic acid). They have a critical role to play in shaping the reputation of the Island. Sport is a positive contributor to the economic, educational, health and community wellbeing of the Island, and the deep sense of pride among its population.

[12:30]

We might sometimes forget that Jersey's long established and proud tradition of honorary and voluntary service extends to sport. Thousands of volunteers selflessly give of their time to provide sporting opportunities for all sectors of society, of all ages, and from all backgrounds. We should not only thank those volunteers, we should give them the best environment to succeed. That is what this proposition is about. Quite simply, I commend this proposition to the Assembly and I ask Members hopefully to support it strongly, thank you. **[Approbation]**

**The Bailiff:**

Is the proposition seconded? **[Seconded]**

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

It is just a tiny little inquiry here because we have heard a lot about sport, are they including dance in the sport regime? Because dance does a lot for the Island and it has not been mentioned as something ... the World Dance competitions have been taking place, I have sponsored quite a few children who live in my Parish and cannot afford to go, and it is very, very interesting and I would like to know whether the sports would be including dancing in that please.

**8.1.2 Senator P.F. Routier:**

I should probably declare, or I will declare, that I am the President of the Jersey Sports Council and also Vice-President of the Jersey Table Tennis Association. I was involved in the early days of the consultation process to ... we held a meeting of the Jersey Sports Council and the officers, who were progressing this at the time a few years ago, came and gave a presentation and I took questions from the floor and we answered questions at that meeting. I have to say at that stage, a couple of years ago, there was some nervousness and unease about what was happening; that people were unsure about funding but I think as the time has progressed that unease and nervousness has fallen away not only because the funding over the recent years has been secured to a certain extent and people have felt able to be comforted that there will be appropriate government support for sport. So I do believe this is the right approach because sporting bodies, they need to be

aware that the Government are supporting them and I think this is a way of achieving that as long as we continue to invest in sport as a government organisation. While I am on my feet I will just remind Members that as Members will be playing our Guernsey colleagues at pétanque and table tennis in the coming months so if anybody wants to become involved please do not hesitate to see our ‘Minister for Sports.’ I also pleased that the new chief executive will be in the building at table tennis when we are there so I am sure she will then be able to see our sporting prowess at the time. This is a really positive day for our sporting community and I hope Members will get fully behind it and that we can progress sport for the rest of our Island community.

### **8.1.3 Deputy M.J. Norton:**

Just very quickly because I think this is, in many terms, a no brainer to support. It has been well thought through. The rationale from the K.K.P. report for the future strategy and onwards are pointed all in this direction and have led to what we have already heard will be very good governance that should assure everyone that it is the right thing at the right time. The leadership is now in place and the scrutiny has also been done and been extremely helpful. Added to all of that may I just add, not because he is an Assistant Minister in the same department as me, not because he is my Connétable, but because of the work over a long period of time which has brought this to you today, my congratulations to the Connétable of St. Brelade for bringing this forward. He has done an absolutely first class job. **[Approbation]** I hope that everyone will support this.

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

Just briefly because I am afraid this one, again, looks like it is going to go through fairly on the nod. I am drawn to the balance between private and public funding required to support sports on this Island and I wonder, in this case, whether the £1.15 million, which is the funding set aside from the States at the moment, will, in the future, go up or down. Whether the economy improves or further deteriorates I think what we will see, as often happens when revenues go down, the States will say: “We cannot afford this, you will have to find some more from private sector.” When the economy improves as we go along, and we hope it does, sincerely hope it does, and that it is happening then the private sector will be making profits and it is open to the States to say: “Ah, the balance between private and public is wrong, go and get some more money from the private sector again” because that is the way things happen when good things, which are for the good of the community, come in front of this particular Council of Ministers, it is always a question of: “We do not want to pay for it. Surely there is another way of funding it.” That £1.15 million again draws my attention, when I notice a few sentences away from that, and the running costs and expenses and remuneration of this board amount to some £95,000. £95,000 of £1.15 million is significant. It is touching the order of 10 per cent and I am wondering, yet again, whether we are setting up a board which is a little earner for the chairman of that board. When we look, for example, at Andium Homes, where the chairman gets something like a third of a million pounds in order to drive forward our housing policy one wonders what will be happening here. It is a much smaller budget obviously. Nonetheless, here we go again, divesting ourselves of responsibilities which we should be proud to take on and pushing it into the private sector and paying people in order to administer what we should be doing ourselves and taking responsibility for. We have seen people deny responsibility day in and day out in this Chamber and this is one issue, maybe some people think it is a minor issue, but nonetheless a solid one where this House appears to be withdrawing its responsibilities and leaving things to the free market. So not quite yet made up my mind on this but I am certainly tempted because occasionally I do look at votes through time and very often, or more often than I would like, it says votes for, 48; vote against one and that one too often happens to be me because I have spotted the flaw in what is going through, sometimes on the nod, sometimes with debate but nonetheless I am very wary of this sort initiative. I think we have enough boards and we have enough privatisation. This is something that, perhaps, we should be taking on



responsibility for and maintaining that responsibility especially in the light of, there are a limited number, but nonetheless, a number of people being made redundant effectively through this process and I am certainly sceptical of what is happening there.

### **8.1.5 Deputy M. Tadier:**

I understand it also comes up on your screen if you cannot see the light which is often the case with where my light is positioned. I think what this debate is not about is whether we support sport either individually or as an Assembly. This is, of course, about how we manage and fund sport into the future and that is why I am pleased to follow my Reform Jersey colleague with the words of caution that he raised. Now, I think the reason we say that is because we all value the benefit that sport has to the economy, not just in terms of the economic multiplier but also obviously the social and health benefits that it has. I think that goes without saying but it is, perhaps, something that cannot be repeated too often. I would like to ask the Assistant Minister in summing up, when we look at this £1.15 million it sounds like a lot but, of course, in the grand scheme of things when we take into account all of those benefits both tangible and perhaps more difficult to measure, it is not much in the grand scheme of things given the fact that we know in Jersey already the charitable sector and also the third sector when it comes to sports put a lot of investment in terms of money and energy in that and they need to be commended for that. So I would like to ask what we spend in terms of sport, in terms of our G.D.P. (Gross Domestic Product) compared to other places. I do not have those figures to hand but I suspect we are not as generous as some governments are with their funding of it and, of course, it is a long-term benefit as well but also I would like to just ... if he cannot answer it now I understand that, but the economic multiplier effect of sport like the arts indeed is one that is significant but perhaps not always easy to measure. I am glad that the Constable of St. Saviour raised the issue of dance because, of course, that is something which crosses both the arts and the sports and we have had a great dance competition that came to Jersey. That was very successful and that focused more on the sporting side arguably but, of course, the Arts Centre and the like have hosted very good high-level interpretative dance in the past which is also very successful perhaps for different audiences but nonetheless very effective. I am concerned about creating yet another board. Without wanting to make probably the worst pun of the day I think we are bored of boards in many ways. I would say to Members who have concerns, do not simply get sucked into this group, think about: "Okay, we all want to support sport therefore we need to support the Assistant Minister" and I know the Minister knows a lot about sport in various ways and I am sure he has got both private and public opinions which he can share on the issue and I know we have spoken in the past about these things. But what I would say to Members is: do not be sucked into setting up yet another level of bureaucracy. Are we happy with boards generally? Are we happy with the concept of shadow boards? Are we happy with Andium? Are we happy with States of Jersey Development Company? Are we happy at many of our institutions being set up at arm's length where we give up control over them that when it comes to making decisions we are told constantly in this Assembly: "Sorry, I cannot take questions on that any more. That is not a matter for us. That is the Minister for the board." "Well, will you raise it with the board?" "Well, I am not sure. It might be overstepping my mark to do that." "But we want you to raise it with the board, Minister." "Well, I am not really sure I will do that. If it is not appropriate I could perhaps have a word but the board of course have got my full confidence." I know we are not talking about States of Jersey Development Company but we are talking about the concept of boards and whether or not to endorse this. When we hear about the bosses there being given a bonus and effectively a pay increase to the order of 10 per cent to 15 per cent when they have not done anything. Let us face it, there is no progress or no success that can be claimed of the development at the Waterfront yet certainly, and if there will be in the future, certainly now is not the time for them to be giving themselves a pat on the back or a big bonus and that really smacks in the face of workers who are being faced with redundancy and ironically privatisation often at the hands of the creation of

shadow boards and the like. There is something wrong at the heart of government so we can say: “Yes, of course, we support our sports men, women and children in the Island”, and the institutions and clubs that do a very good job already but at the same time raising a word caution. I think if Members have learnt anything do not press the pour button today just because you feel that is an automatic thing you have to do when all the empirical evidence is that boards, at best, are questionable and in many cases the evidence is there that they are not working effectively. We have given up too much of our power as an Assembly and we do not have the mechanisms and leave us to address problems as they arise in that area.

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

The adjournment is proposed. The States now stand adjourned and we will resume at 2.15 p.m. this afternoon.

[12:44]

## **LUNCHEON ADJOURNMENT**

[14:16]

### **The Bailiff:**

Could I ask those who are awaiting for States to sit, and in the coffee room adjacent, to come in to the States Chamber straightaway please? Very well, the States now resumes debate on P.21/2017 - Jersey Sport: establishment - lodged by the Minister. Does any other Member wish to speak?

### **8.1.6 Deputy J.A.N. Le Fondré:**

I just wanted to make, I suppose, one observation and one query to the Assistant Minister. One is picking up on the comments made by the Economic Affairs Scrutiny Panel on page 4 and it says: “That Members will note that the Articles were signed on 13th January 2017 shortly after the trust was established and this was the creation of Jersey Sport Limited. The panel found it somewhat concerning that the need for States approval was not recognised until after this had taken place.” So, as I have understood it, the structure was created, the decision was made to create it, but the relevant approval had not been achieved first and, bluntly, I do find that somewhat astonishing. I understand that has been addressed within the panel and I understand there are very good reasons for it but I just wanted to put it on record effectively in Hansard; that surely is not really an acceptable way going forward and I hope lessons have been learnt from that. On a more, I suppose, when I say “positive note” I do obviously note that the panel do recommend supporting this and therefore I am delight to do so but one caveat I would like just to ask from the Assistant Minister is, I assume that the role of Scrutiny and its ability to access information has been identified in the memorandum of understanding or the equivalent and that that sort of issue has been dealt with up front.

### **8.1.7 The Deputy of St. John:**

Just briefly. I would like to ask the Assistant Minister if he could explain, on page 8 of the proposition it refers to the key aims of the board, the purpose and the key aims, and it refers to ... I will say exactly what it says: “To define the optimum operational and governance structure and report to the Assistant Minister for Economic Development, Tourism, Sport and Culture on the strategic direction of the organisation and performance against business plans.” In the Scrutiny comments they refer to the fact: “That the protection of the States interests will rely to a large extent on effective monitoring of the partnership agreement and appropriate annual business plans

agreed between the company and the department.” I would just like some confirmation from the Assistant Minister that the business plans will be agreed between both the company and the department, whether there will be key performance indicators for special reasons of measuring and monitoring so that people can be held to account. But more importantly whether the partnership agreement will be put in a public format for the members of the public to hold them to account also.

#### **The Bailiff:**

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

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

I will probably work my way through backwards through the comments starting with Deputy Vallois. In regards to the key aims and governance structure, in regards to Scrutiny, the answer is: yes, they will be involved. In terms of the partnership agreement, to my knowledge, it will be a public document. It will be on public record about what will be involved within that public document and I can confirm that the business plans, including K.P.I.s (key performance indicators) and the targets will be agreed with the department on a yearly basis as with other concept bodies within the States. In regards to Deputy Le Fondré in terms of Scrutiny: yes, I can confirm that they will be involved. If you can just bear with me just a second because I need to get into this. What I will do while I am just getting into my iPad can I thank the Constable of St. Saviour for her comments about dancing and clearly dance is a part of sport. The Dance World Cup was a fantastic success last year. **[Laughter]** Yes, I set myself up for that one unfortunately. But obviously dance is an important part ... a lot of the movement skills involved with dance are key elements of any physical literacy programme so dance is a very important part of the sporting community. Again, I thank Senator Routier for his comments and his support. Yes, there were early challenges with Jersey Sport but I think communication has been exact all the way through. I think the briefings that were given to States Members, our sports bodies and media alike, I think have been open and transparent all the way through and there has certainly been no intention to hide anything as we worked our way through what has been quite a difficult process. In terms of Deputy Le Fondré, in terms of ... I think he is probably talking about P.70, I think, in terms of getting States approval. If he was to nod to me. I do not know. Well, let us presume it is P.70. I think as Assistant Minister... I mean I decided to log a proposition seeking States approval to establish Jersey Sport as soon as I was given advice by officers that a proposition was probably needed. The question in some Members' minds maybe, should not the Assistant Minister apply P.170 earlier? Hindsight is a wonderful thing. It applies 2 ways. Some Members may rely on it to accuse me or my department of not spotting the issue in good time and I could, perhaps, be forgiven for relying on that in a different way. I personally was not a Member of the Assembly when P.170 was adopted. Had I been I might have asked for some clarity regarding the meaning of part (b) of that proposition. Does it require a States decision when just one of the 3 conditions in part (b) are met or when all the conditions are met? It is not clear within that proposition about whether all 3 are met and I have got the proposition here. It goes “and, and, and” not “or, or, or” and I think the decision was taken that it had to meet all 3. The advice we were taking, it had to meet one of them not all of them. How does the remuneration condition apply to a non-remunerated board with a paid chief executive as per the Jersey Sport model? What is the difference between financially sensitive data and ordinary financial data? I could go on but then I could perhaps make a case for a proposition to improve upon the P.170 decision without undermining the intent of that proposition and that is something that we mentioned to Scrutiny about what P.170 was set out to do and I think it is well intentioned and I have got no doubt officers believe they were abiding by the terms of P.170 but, upon advice, we took the decision that it was the right thing to do to bring it to the Assembly today to be debated. In truth though, however, I do not think it is really about semantics. What matters here was the intent of that proposition and in that respect I can stand here today with hand on heart

and say that there is not, and never has been, any intention to be anything other than open and honest about what we have been trying to do with Jersey Sport. The consultation documents were published, the consultant's reports were published, the Ministerial Decisions and accompanying documentation were published. The project as a whole has been one of the most publicly visible projects I can remember and I would respectfully invite Members to consider those points when they decide how to vote. Going back to Deputy Tadier, he clearly values sport. I know he does. I know he enjoys sport himself which I think is great and he has given all the benefits involved with that. The £1.15 million that he talked about, it looks a lot of money but compared with some of the decisions that are made in the U.K. in regards to investment into sports development, like I say we do really well in Jersey in terms of the investment we put into sport and I am comfortable with that level of funding. Could we have more? Could I go to the Minister for Treasury and Resources and ask for more? It has got to be balanced against some of the other priorities, I think, that the States have to deal with and Ministers have to deal with but I am comfortable that we are at a level, I think, that can provide good support for our sports community. In terms of G.D.P. the Deputy is right, I do not know what that figure is but I will get back to you as soon as I can. I have already asked the department to deal with that issue. There is more to do I think. We do need to deal with the Sports Department and relate more with other departments. Only very recently we were talking to the Health Department about how we can deal with ... and I think with a nutrition strategy itself about how we can work closely with the Health Department in terms of health prevention and how funding can be used to support both sides, not just sport but health prevention as well. Boards were brought up by Deputy Tadier and I can understand probably some misapprehensions and dislike of how boards have been set up in the past. There is a C. and A.G. report that is going to come out soon that is going to look into how arm's length bodies are managed and I do not want to undermine or predetermine what that is going to say and for me that is probably a debate for this Chamber for another day. I think we have done the right thing in strengthening the structure by having the Minister as the enforcer so that if there are any issues that cannot be dealt with by the trust and the company itself that the Minister, if push comes to shove, can intervene but it is really the last point of contact. If we cannot deal with things within other arm's length bodies, such as Visit Jersey and Jersey Business, when there have been issues they have been dealt with, I think, sensibly and pragmatically by trustees and the board. It has never had to go to a decision for an enforcer to make and I hope that would be the same with Jersey Sport and looking at the experience of the board and looking at the experience of the trustees and their passion for sport I cannot imagine a situation where they could not deal with issues on a face-to-face basis and deal with it, hopefully, in a - like I say - pragmatic way. I mean S.o.J.D.C. (States of Jersey Development Company) was mentioned. For me that is not a debate for today. Again, Deputy Tadier mentioned about the board being remunerated. The board is not going to be remunerated. Deputy Southern mentioned a figure of £95,000 within the report. There is a figure of £95,000 in the report but it includes the C.E.O.'s (chief executive officer) remuneration. There is a very small figure within that sum for expenses for the board as there are with most boards and that is all they will receive. That is similar to some other boards. Other board members are paid but in this particular case the board is going to be unremunerated. They have been clear from day one when they were first appointed and I think we have got members of the board in here today, that they wanted to be **[Approbation]** ... that they did not feel it was right that the board would be remunerated. That it was very much a volunteer force in Jersey. Sport is very much ... it has got a huge volunteer base. The success story has been built on the success of volunteers and the coaches. I have got one example, and I do not always like to mention the rugby club, but the rugby club is a fantastic example with 700 young people in their academy. I think 105 or 110 coaches, all unpaid, all volunteers, all trying to get the best for young people within that sport and that is just one example of all the sports and the amount of time and effort their volunteers put in to that. One other phrase I think Deputy Tadier, I might be wrong, he will tell me if I am wrong, was ... he used the word

“questionable” in regard to the board. Well, there is nothing questionable about that board. It is the most experienced board that I could expect to get in regards to overseeing sport in the Island. Their experience is set out in the proposition, in the appendix at the back, and we are lucky to have people that are prepared to give that sort of time and effort up to take sport forward. Moving on to Deputy Southern. He is right. No, it has been difficult times for government. It has been difficult times for sports. It is the same with a lot of other departments. We have had to make savings within the Sports Facilities Department and some small savings within the Sports Development Department. That is something that you have to expect. I would expect this board and Jersey Sport rather than take away money from sport but add money to sport or add what they can offer to sport. It is clear that in terms of public and private funding, do I expect Jersey Sport to attract more private funding? Yes. But we have got to remember that sport in general in the Island is supported hugely from private investment. Virtually any sport, in terms of sponsors, that is private investment.

[14.30]

If we can build on that with Jersey Sport then I think that is something that we should do our best to do. Again, it was commented about the board being remunerated. It is not remunerated. That we have got enough boards. Well, that is a matter of opinion. I think that in terms of this particular board it is the right route to go. I said at the start of the speech that I thought the structure was right. This is not a board that is going to cost the States any money apart from a small amount of expenses. Virtually all the money that we give to Jersey Sport will go to sport and making sure that we deliver sports development and physical literacy at a high level. I just want to stress again in regards to the recruitment process people were offered jobs at Jersey Sport, some decided not to take them up and decided other routes. One particular individual decided that he wanted to go back to university and enhance himself in that way. I think we need to support people like that when they make those decisions but we have got an extremely strong team at Sports Development. I am extremely proud of the work that they do. I think I have covered most of the points. If there is any particular point a Member does not think I have covered then I am happy to answer it but, again, I really want to commend this to Members. Please support it. You have got a fantastic board up there. You have got a fantastic team that just want to get on and do the best for sport in Jersey. We have got the Island Games coming up, something I am desperately looking forward to. So let us try to give a mandate to sport to move on and do what I know it can do and deliver the best for our young people. It is about physical literacy but it is also about keeping old people like me fit and healthy and I think we have got to remember that. I want to work more closely with the Minister for Health and Social services to ensure that everybody in the Island gets the best opportunities in life to stay fit and healthy while they are still walking the earth. So I very much commend this proposition and hope people can vote for it. **[Approbation]**

**Deputy J.A. Martin:**

Can we have the appel please?

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on the establishment of Jersey Sport and I ask the Greffier to open the voting.

<b>POUR: 39</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Deputy G.P. Southern (H)		
Senator A.J.H. Maclean		Deputy M. Tadier (B)		
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				

Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Connétable of St. Brelade:**

If I could just offer a couple of words of thanks and I will be very quick. I certainly want to thank the Jersey Sports Shadow Board for the amount of work and effort they put in to preparing the Sports Report. As I have said, I think they will be a good guiding influence to sport in the future. The trustees, the transition director, my staff at Sports Development. The staff at the Sports Development Team who have been extremely patient. E.D.T.S.C. officers who have given me fantastic support and finally ... I know it is not right to mention States officers by name but this one has retired so I hope I can ... but Jersey Sport has very much been driven forward by an individual who has given 20 years of work to supporting sport in the Island and he has only just retired and that is Derek de la Haye. **[Approbation]** He was Mr. Sport. We are going to miss him. I miss him already because of some of the value judgments he has made and the support and the advice he has given me over the last 2 and a half years but I wish him well in his retirement and I am sure he is leaving sport in good hands.

**9. Standing Orders: Answers to Questions (P.25/2017)**

### **The Bailiff:**

Now we come to P.25, Standing Orders: Answers to Questions. I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion – (a) to agree that appropriate amendments should be made to Standing Orders to make new provisions in relation to the responses to oral questions to provide that – (i) where lists of data are required in order to answer a particular oral question, these may be circulated to members in printed form at the time the answer is given; (ii) answers given shall address the content of the question being asked and be confined to the subject matter of the question; if the presiding officer is of the opinion that the answer given fails to do so, he shall draw the member's attention to these requirements in Standing Orders and ask the member to attempt to address the content of the question more directly; (b) to request the Privileges and Procedures Committee to bring forward for approval the necessary amendments to give effect to the proposals.

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

It appears that I am in a rare position of getting support for this from the body concerned and I will try not to keep Members too long but before I do commence on what it is that I am proposing here I just wish to draw Members' attention to Standing Orders 10, 11, 12, 13, 14 and 15 which refer to the format of questions. Anything that is not there in what you can and cannot ask and how you can and cannot ask it is contained equally in Standing Orders 63 and 65 but there is very little in the entire realm of Standing Orders that refer to the answering of questions. It seems to me that that is, if not equal in importance, probably more important. The quality of the answer may well depend on the quality of the question but let us get the questions right and maybe we will get the answers right. We all know of experiences, such as I highlight, when Ministers try their best, quite frankly, not to answer the question. I am trying to work out who was doing the harrumphing there. As I put it in my report, as Ministers have become more used to the format at question time I sense an increase in the use of a technique I shall call "the diversionary non-answer". In this the questioner asks about subject A, the response, if he is lucky, contains some information about the related subjects B, C, D and E but at worst, if not, then the Minister may inform the questioner about the totally unrelated X, Y and Z. We all know of times when we have asked a question from Ministers and got a non-answer. Our recourse when that happens, the response may contain all the right words and phrases and may be expressed fluently or haltingly but nonetheless fails to address the question. Any further query is likely to be met with a ruling from the Chair that that is how the Minister has chosen to answer, relevant or not, that is how he is going to answer. Now, my proposition consists of basically 2 parts and it seems that the Privileges and Procedures Committee is of like mind with me. They have been working on this particular aspect and so, therefore, have come to support it effectively. "What the Deputy is seeking to achieve with paragraph (a)(ii) is very similar to a prospective amendment that we have been working on." I apologise. I was not aware that you were working on it. Nonetheless this is a longstanding commitment of mine. "In light of the fact that the Assembly will debate paragraph (a)(ii) we have decided not to proceed with our own prospective amendment for the time being pending the Assembly's decision on Deputy Southern's proposition" for which I heartily thank those involved that we are going to get some progress on this. I take the opportunity to rather contradict my reputation as being somebody who is quick to sometimes anger and otherwise in referring to the bottom of page 3 of the comments where it says: "The Deputy has previously sought the Assembly's approval of a measure such as this in Standing Orders answers to questions, P.30/2012." I have waited 5 years to revisit this particular topic. Five years ago it was not debated. I do not know if that was because we reached the summer recess or the Christmas recess. I think I withdrew it. But they say: "At that time

comments on that position from P.P.C. were such that a change could make question time less effective as the committee's enquiries had shown that a significant proportion of question time in New Zealand, for example, is spent responding to points of order rather than answering questions." But I think the comments of P.P.C. now deal with that and they go on to say: "In the report accompanying his proposition Deputy Southern has acknowledged that the introduction of this provision could indeed make matters more problematical for the presiding officer who would be asked to adjudicate on the relevance of an answer provided. However, were paragraph (a)(ii) to be adopted there are measures which could be taken to mitigate the challenge facing the presiding officer and to ensure that question time did not in fact become less effective." Here I must make reference to the people who are most often in the Chair. What we have is 2 highly qualified lawyers, often in the Chair, who know how to interpret questions I believe and can make sound judgments on whether an answer addresses a question. P.P.C. then refer to practice in Australia and suggest: "These procedures also provide that where there is such a dispute, a dispute between the questioner and the Minister answering or not answering. Where there is such a dispute the respondent is required to provide a more relevant answer in writing for the presiding officer to approve of within 48 hours." So it is possible to build in a mechanism to encourage accurate answers to questions from the very beginning and a small procedure which is likely to ensure that. I think that that represents a more efficient way of using our time and I express a conflict of interest possibly, especially my time because if I know what the answer is I will keep coming back until the Minister admits whatever the answer is that is there. They can try and avoid, they can try and run, they can try and hide but sooner or later I will get there and I will get the right question to ask which elicits the right answer. However, (a)(i) has not received a similar level of support from the P.P.C. and here I am referring to oral questions: "Provide that where lists of data are required in order to answer a particular oral question these may be circulated to Members in printed form at the time that the answer is given." There are occasions when, despite the best intentions, a factual or list or table is the appropriate answer to respond to an oral question. At which point one often gets the Minister reading out a list of things and you are trying to note it and say: "What per cent was that? How many people did not get on the waiting list?" *et cetera*. Far easier, it would be, to give the table and then illustrate it with the debate. Once again that would cut down time, I think, and be more efficient in terms of getting the right answer. So my wording, although as part (b), it is open to P.P.C. to come up with the formula to request the P.P.C. to bring forward for approval the necessary amendments to give effect to the proposals. My version is that an answer that seeks to address the question asked must be given if it can be consistent with public interest - and that is the New Zealand version - that the answer must address the question. I believe the P.P.C., we are talking about, must be relevant to the question and marginally I think mine is better but I would accept what P.P.C. come with as the amendment to Standing Orders in order for us to achieve the end result of getting straightforward and correct answers to questions which are asked.

[14:45]

So I maintain my proposition.

**The Bailiff:**

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

**9.1.1 Deputy K.C. Lewis:**

This is something that I can support. Many of the answers from Ministers at the moment I would not consider to be answers but a response. Some of the questions fall far short of what is expected. You might as well read the weather forecast or a restaurant menu for all the use that some of them are. I know that there are certain things that have to be confidential and fully appreciate that but



questions with notice, Ministers have plenty of time to talk things over with their officers to make sure that everything is clear, concise and above board. I will be supporting the proposition.

**9.1.2 Deputy M. Tadier:**

It is a little bit hard on the weather forecasters I think to make that analogy because the weather forecast is usually quite useful and helpful in its response and even on a menu one can normally find something that one wants to order, which is not the case with ministerial responses. Deputy Southern was quite right to highlight the fact that this is not a knee-jerk response, this proposition. It is not the first resort. In many ways this reflects a long period of struggle and not just with the current President where issues have been raised on the floor of the Assembly when Members feel that they have not received adequate responses to their questions but in the past ... and we do appreciate, I think, at this point it is important to add that the Chair is often in a difficult position where he has to interpret the Standing Orders and there is not any latitude within Standing Orders and, of course, though Deputy Southern is taking, in many ways, the advice of the Chair in the past which says that if you do not like it then bring a proposition to the Assembly to change it which is where we find ourselves today. You could argue though it is a shame that we find ourselves in this position because I think although we come from different perspectives and starting points politically in this Assembly I think we all agree that if a question is good enough to be asked, if it is in order and it can be tabled and lodged, then it deserves an answer. We often hear the Speaker of the Commons saying that the question will be heard and the answer will be heard, in a slightly different context. That is usually when there is too much noise and yaboo going on from both sides but he quite emphasises the fact that parliamentary questions serve an important role. They are not there for fun. Of course they can be done for different reasons but they are there to try and find out information and to get the opinions of the government of the day on any particular issue and to see how they respond and if they are doing their job. It is more or less scrutiny that we all have a role in playing especially those of us who are not part of the Executive. We have seen today again another example of very simple questions, which are essentially yes or no questions, not being answered and obfuscation being used instead. It is unfortunate because it is not all of the Council of Ministers or all Ministers who choose to respond in that way. We know that some Ministers are much more direct in their answers and I am quite happy to name some of the good Ministers I think when it comes to answering questions. For example, we know that the Minister for the Environment gives very straight answers when we ask him questions. It does not mean we always necessarily like the answers we are given but he does try and address the question and give a straight answer. Similarly, I think the 'Minister for Transport' gives straight answers to straight questions. He is the Minister who notably stood up in this Assembly before it was in vogue ...

**Deputy E.J. Noel:**

Just a point of clarification. There is no such thing as the Minister for Transport in Jersey.  
[Laughter]

**Deputy M. Tadier:**

Even when he is not being asked a question he still volunteers helpful information which was not requested, which helps clarify the debate and I think we appreciate that. As I was going to say, he was one of the Ministers who before it became vogue to admit that the long-term care charge was in fact a tax he told us that quite voluntarily and said it does not really matter what you call it. I am quite relaxed about it being called a tax before the rest of the Council of Ministers realised they had to call it a tax for accounting purposes when it became advantageous to them. He was telling us this a long time before. I probably do not need to tell you the Ministers who are not as faultless when it comes to their answers but what I can say is give you 2 examples. This morning I had to ask a question about information which was put out on the radio by somebody who falls under the

Minister for Health and Social Security's responsibility and I finished that by asking him a direct question saying: "Do you agree that the Barnes Report stated quite clearly that there is evidence showing the efficacy of smoked cannabis in relation to pain relief?" That is a yes or no question and rather than say yes or no he decided to answer a different question which I did not ask. He said something to the effect, and Hansard will show this: "I agree that the report recommends not smoking marijuana." Now, of course it may have said that but that is not the question I was asking and I think that is the point that Deputy Kevin Lewis is making, is that you can give a completely unrelated answer to the question, one which I did not ask, and that remains in order somehow but when you ask a question you have to make sure that your question is in order. We are often told: "That deviates too far from the original question" if, of course, we are allowed to put a supplementary question in, but I am not having a go at the Chair here today so I should probably rein those comments in. But the point is we have to make sure and it is quite right that of course the question does relate to the general issue, even supplementaries, but it is okay for Ministers to give completely unrelated answers. Now, when this happens is that satisfactory for anyone, especially for the public outside who are listening when we are constantly put in a position where we do not get satisfactory answers so we have to come back either by resubmitting the same question again, possibly in a different format, only for the Minister to either remain intransigent or to decide a few weeks down the line that he is prepared to give a straight answer. We saw this this morning with the Chief Minister. Only a few months ago we have had to relodge the same question time and time again and to ask supplementaries, the same question saying: "Did you ask for your Ministers to resign or did they offer to resign?" and he would not answer that question and he would not even explain really why he would not answer that question. He did not say: "I am not going to answer that because these discussions are privileged and we discussed them at Council of Ministers but I cannot give you a confirm or deny", which would have been a more helpful answer. He just refused to answer that and then went on the political offensive which he is able to do. But during question time that is not a good use of time so again we relodged the same questions. It takes up the time of the Greffier to process those same questions again. There is, of course, a notional cost to that but there is also very real manpower considerations that go into that. What does that do to the esteem of politics in general, for the esteem of Members, because the public do not differentiate between the executive and the non-executive? They just see: "Oh, questions are being asked again, Ministers are not addressing the questions." So even the good Ministers out there get tarred with the same brush when these other Ministers stand up, especially when it is the Chief Minister, the head of Government, not answering straight questions but he seemed to be okay this morning to say: "Oh, yes, I did not ask them to resign" and I look forward to him showing the workings for that and perhaps providing evidence but he has given an answer after several months to say he did not ask for them to resign. The question of course remains whether or not they offered to resign or whether there were discussions going around that but we have had to wait months for him to even concede on that one point. I also remember there was a time when we had an invitation, we do get esteemed guests come over every now and again, I think I may have been on P.P.C. at the time, a speaker from New Zealand came over and he, at some point, had been the Speaker of their Assembly. I do not think he was at the time when he came over and said: "Look, it is not unusual in New Zealand for us to go back time and time again and when I was in the Chair if the Ministers did not give an answer to a certain question I would stop the proceedings and say: 'Minister, you have been asked a question, please give an answer which addresses that question.'" He would do it 5 or 10 times *a la* Paxman if he needed to do that. He was quite clear about what his role was, therefore it was to protect the public interest. Now, if we need more clarification with that in our Standing Orders to give our Chair the ability to do that then I think it is something which we should certainly do.

### **9.1.3 Deputy S.M. Wickenden of St. Helier:**

I was kind of glad when I heard that P.P.C. were bringing forward the changes in Standing Orders. I have always thought that it is a little bit strange that there are over 40 paragraphs in Standing Orders on how you can ask a question and one on how it can be answered and that clearly just says it has to be concise. So you can concisely answer a question that does not even fit what was asked but as long as it is concise it fits within Standing Orders so I was glad that it was happening. I think that the answering should be there. We are a transparent government. I think it is right that answers ... I do feel like it is a little bit strange that last time I got to give answers to questions Deputy Southern had a go at me for being too concise. His advice was that I should be more ministerial and probably not answer questions, though I know that was joking and I am never going to have that chance if this is passed. I do support this in part (ii). I have a problem with part (i). There already is written questions time because it is up to us to know whether our questions is going to ask for lots of data and if it is you put it in a written question so you can get your lists, and then we have got oral questions and it is up to us to know what we are asking, is it just an answer that can be done verbally in the oral questions. If not, there is more time we have to put it in earlier for written questions so I would ask Deputy Southern if he would allow us to take (a)(i) and (a)(ii) separately so I can choose which one if that is okay.

**Deputy G.P. Southern:**

I presume they can be taken separately.

**The Bailiff:**

It is up to you.

**Deputy S.M. Wickenden:**

But other than that I fully support (a)(ii). I just think that (a)(i) steps across the bounds of something we have already got.

**9.1.4 Deputy S.M. Brée of St. Clement:**

I feel it to be a sad indictment of this Assembly that we are debating this proposition. It reflects badly on all of us. The very fact that Deputy Southern has lodged this proposition to my mind illustrates only too clearly the way in which this Council of Ministers acts towards and treats the Assembly. Government should be open, transparent and answerable. It should not seek to avoid answering questions. It should not seek to play politics inside this Assembly. If we look at the proposition itself, while I agree with perhaps the comments that Deputy Wickenden just made about part (a)(i), if you read the proposition itself it says: "Where lists of data are required in order to answer a particular oral question these 'may' be circulated." Not "must" or "will" or "have to be". Now, it may be that there is an urgent question that needs to be asked, an urgent oral question, but the respondent feels the best way to do it is to be able to provide a table of information or figures to Members of this Assembly so that while he is answering the question they can understand the detail. What I find most saddening is the wording of (a)(ii) and the fact that we are debating this. I will just draw you back to the wording of the proposition because I seek to remind Members, we vote on propositions not reports. "Answers given shall address the content of the question being asked and be confined to the subject matter of the question." The fact that we are looking at that to me saddens me greatly that the state of this Government is that Deputy Southern is having to ask this Assembly to agree to that phrase and anybody who is even considering voting against this proposition should look deep inside themselves because what you are going to be voting against is a truthful answer to a truthful question.

[15:00]

Therefore, I urge all Members to support this proposition without question.

**The Bailiff:**

I am sure you mean, Deputy, that all the answers would be truthful but they just would be to different questions.

**Deputy S.M. Brée:**

Indeed I did, thank you. [Laughter]

**9.1.5 Senator P.M. Bailhache:**

I am going to vote against this proposition. It is not because I do not agree with Deputy Brée that Ministers should be, so far as possible, open, transparent and answerable to this Assembly. Parliamentary Questions, as Members all know, are one of the great methods of holding Ministers and governments to account. They require skill on the part of the person asking the question and they require transparency on the part of the Minister. Sometimes Ministers cannot answer a question and this may be because they do not know the answer and they should do. In such circumstances, Ministers deserve to be exposed and held to account for their lack of competence, but sometimes it is not politic to answer a question in the way in which it has been framed, perhaps because it would reveal information which ought not to be put into the public domain. It might be damaging to Jersey's relationships with a foreign country or even with the United Kingdom. It might be that to give an answer to a question would breach a confidence which ought not to be broken. At the end of the day, it seems to me that Members and the public know very well when a Minister is prevaricating and is not answering a question for a reason which they regard as insubstantial or inadequate. It is the job of questioners, of Members, in those circumstances to exercise their skills and to expose the Minister for his or her deficiencies. I do not think that the Privileges and Procedures Committee ought to spend time trying to deal with a problem which is really incapable of being dealt with in Standing Orders. It seems to me that the way in which Ministers answer questions and the skill which Members employ in questioning Ministers is all part of the cut and thrust of politics. Either it is done well or it is not done well and I do not think that anything, frankly, is going to be added by prescribing in Standing Orders that answers ought to be given in a certain way. I certainly do not think that we ought to involve the President of the Assembly in this process. The Chair should be above squabbles between Ministers and Members. It is not up to the Chair to direct a Minister to answer in a particular way, it is up to Members to expose the Minister for the inadequacy of his reply. I deplore the notion that the President of the Assembly should be drawn into what is essentially a political process. For that reason, and not because I disagree with Deputy Brée's opening remarks, I am going to vote against this proposition.

**9.1.6 Deputy M.J. Norton:**

I rise to agree and disagree with my colleague to my right, Deputy Brée. I think we should have open transparency when it comes to questions and answers. Deputy Wickenden was absolutely right, there are reams and reams on how to ask a question and there are very few on how you should answer. From that point, I think it is right that we move ourselves towards more transparency, more respect for answering questions clearly. However, I was drawn to stand simply because Deputy Brée was saying the fact that we are debating this in here ... well, anything that we change to Standing Orders has to be debated in here. It is the only way that we can change anything in Standing Orders. I do not think there is anything wrong with debating anything in here. That is what we are in here to do, so let us not beat ourselves up over this, let us just get on with it. I think it is quite a sensible proposition.

**9.1.7 Deputy R. Labey:**

In answer to Senator Bailhache, we have already this morning had an instance where the Chair picked up a Minister - picked up the Chief Minister - on an answer that was given and part of the

question was not answered. I have to say, I marvel at this Chair's powers of concentration, to be able to listen to all of that and pick it out and pick Members up. [Approbation] I do not think that will ever detract from the Chair, his ability to do that, or his or her ability to do that, and Members are grateful when that happens. I hope Members understand the difference between answering questions in this House and answering questions outside of it, for instance, to the media, where what one does there is decide on one's answer and one's message and deliver it to whatever question is asked repetitively. This is because if it is a recorded interview or a newspaper interview, they hold the power to be able to select your sound bite or your clip, so the answer is you give them the same sound bite that you want broadcast again and again and again, regardless of the question. It is not a good idea to do that on a live interview over the course of 5 minutes, because you can come over as slightly lacking. Providing answers in this House, however, to Back-Benchers is different. I am the new boy here, I do not need to lecture Members on that. I often think it would be better if Ministers would just be honest, to say: "I have to reserve my position on this. I cannot answer you" or: "I do not know, *mea culpa*", put their hands up. Let us not forget, very often Ministers' questions are answered by their support team in terms of their officers in their departments, so it would take a minor adjustment just to tell the officers: "Let us tell the truth here." So I am struggling to see how Deputy Southern's proposition will hurt us in any way, what is the harm with it, because I do think over successive governments they have often been blighted by an inability to come clean. There is honour in that and it would be better. We saw a valiant effort from the Minister for Treasury and Resources this morning, being incredibly loyal and incredibly careful, and of course one understands, but one wonders if there might have been a more successful course. I do not see any reason why we should not go with Deputy Southern on this.

#### **9.1.8 Deputy J.A. Martin:**

I was not going to rise until Senator Bailhache spoke, but I will just go back a bit to a bit of history, because I was on the sub-committee of P.P.C. and when we were appointed, myself and Senator Ozouf emailed everyone and I said: "We are now 10 years down the line. We want you to all look at Standing Orders and come back to you on what you want amended." It was probably Deputy Southern who brought this to my attention and I have done a lot of work on it, but I do not hold that against him, but I just tell him that we are literally ready to go. So I am supporting him and the work behind it is all done and all the other Standing Orders that are agreed are going to be lodged imminently. That is good, and as I say, it is whoever brought it. I felt Deputy Southern's frustration: it was probably 4 or 5 sittings ago when he could not get an answer to anything and he lodged this I think the next day. We are where we are, so I absolutely support him. I rose because it was Senator Bailhache. I do not know, I think sometimes he just presses my buttons, as you say, but obviously he does not want to. Also he says it is down to me to come in and have some sort of Tom and Jerry game with him to find out what the answer to the question is. No, I do not have time for that. When they wrote these Standing Orders, that the answer must be concise, I think they obviously thought that the makeup of the Minister was going to produce an answer relevant to the question. That is all that P.P.C. will bring back, relevance, because I do not want to ask a Minister something: "Is the sky blue today?" "Well, it was when I came in, but I have not seen the sky since 8.00 a.m. this morning" and it is all games. I really think that listening to Senator Bailhache, where he says "we", and with all due respect, we get possibly sometimes one supplementary and that is when we want to come in, but if Ministers come with the right answer that they know. I absolutely fully take into account what Senator Bailhache said about it could be confidential, it could be highly ... nobody is saying you cannot say that, but we are experienced enough people. These questions, we do not make them up and just come to the Ministers. They go through the Chair - Sir, they go through you - so anything that was really confidential or likely to cause harm would not be allowed. If it was, then the Minister can stand up and say that. I thank Deputy Southern for bringing the hard work that we have done on P.P.C. It is ready to go and I just think it should be

supported. I fully understand people might have a concern about part (i), which is, as Deputy Wickenden has said, it is could it have been a written question that somebody forgot to get in on time? I can see the Minister for Social Security nodding, because things that need graphs and research and figures, it is Monday morning 9.00 a.m., the week before the States are sitting, get your written questions in and you will get all your graphs. It does not stop you, by the Thursday, to follow it up with an oral question, knowing you will have the data earlier, and you normally get it now the day before the States are sitting so you can then ask your oral question and you will have the data to back it up. I am going to support it, but I leave it up to other people, because I feel where Deputy Wickenden is coming from. We have 2 sets of questions, one obviously we can see in written, because they are going to need lots of data, graphs and everything else and research. That is why people are given extra time for written questions. So I commend Deputy Southern and I support both parts and I hope other people will do.

#### **9.1.9 Deputy E.J. Noel:**

I share Deputy Wickenden and the previous speaker's concern about part (a)(i) in terms of providing more detailed data for an oral question. I stand really almost as a request to P.P.C., although it is not in this proposition, and that is really about I feel where the problem is coming from is particularly the supplementary questions and supplementary questions where we have long speeches followed by: "Does the Minister agree, and if not, why not?" If Members were not present, I had the pleasure to partake in the Youth Assembly and to answer questions from those young people. If it is available still on the webcast from that, then I urge Members to watch even just a few minutes of it, because they teach this Assembly a good lesson, and that is a lesson on how to ask questions. Members will get very, very good concise, truthful, to the point answers if they ask to the point questions. I have probably spoken enough already, so a plea to P.P.C. to look at questions as well and a plea to Members to make their questions to the point and to skewer the Minister or whoever is the subject of the question to answer it.

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

I wanted rise post Deputy Labey's speech, who was, as ever, entertaining and hit the nail on the head about how Members should respond to media interviews outside of this place. He has got to be careful he is not giving all the secrets away. What I did, however, just want to say, that in case we were in any doubt, and I am sure he was not trying to suggest that officers provide untruthful information in answer to questions, they do not. They often - and you have to pull Ministers up for this - provide a blessing of information, which exceeds the requirements under the Standing Order.

[15:15]

Ministers often have to cut that down to the detail which is most connected and answers the question as directly as possible. I think Deputy Noel is absolutely right. It is never the opening question that is there in black and white that the Minister has the black and white answer to. It is always the supplementary questions. Even the mover of this proposition knows that his real question is either his second question or his final supplementary. That is how we answer questions. In my experience and the older I get, there are very few questions in life that have a simple yes and no answer. It was Deputy Tadier who tried to suggest that they did, if Ministers would just simply give a yes and a no answer, all would be well. Just like questioners wish to give the context of their question and you ask questioners to get to the question, so you ask Ministers to get to the answer, because Ministers too like to address the context of the answer which they will be providing. I slightly divulge from my colleague here to my right - your left, Sir - and take the view that P.P.C. should be allowed to do this work, because any clarity around how questions should be answered will provide clarity to Members. As Deputy Wickenden said, there are any number of Standing Orders that deal with how questions should be framed, but very few when it comes to how answers

should be framed. But I say to Members, very few questions have a yes and no answer and do require more detailed context in order to get to that answer. Like Deputy Southern, I have no doubt that you and the Deputy Bailiff will be able to navigate that well. Already I think I enjoy being corrected by you on not quite every sitting, Sir, but perhaps it is coming to that and I have no doubt that others do too. I do support this. I am more doubtful about the accompanying detailed information, for the reasons that others have said. Written questions are to provide the detailed technical graphs or tables of information and officers spend a lot of time getting that ready, then being expected to get ready another set of detailed information for a Tuesday morning probably is asking too much. But again, it does say “may”, and as long as there is no obligation upon Ministers to do that, but as used to be the tradition, chairmen or presidents of committees and Ministers used to stand up and say: “This will be better given as a written question and therefore I ask the Member to provide it as a written question”. But with those caveats, then I am prepared to ask P.P.C. to undertake the work, because as Deputy Martin said, it is already virtually done.

#### **9.1.11 Senator P.F. Routier:**

I felt it was incumbent on me, as being one of the features of this proposition, in the appendix there is an extract from Hansard and it has given examples of evasive and non-answers which were predominantly ... well, by myself. So I would like just to clarify, there is a difference between perhaps being deliberate or not about trying to be deliberately evasive and not answering a question, but I can assure Members that I do my very best to answer the questions to the best of my ability and not to be evasive. But in fact, the Deputy has just remarked upon - this comes from training - but some people have remarked this has been a master class of how to do it, but certainly, as I say, it is not trying to be evasive by any shape or form. Obviously I have been in this Assembly for a little while now and in the very early days it was a very rare occasion we would get a question for any presidents. What used to happen is that if a Member had something he wanted to find out, he would get in touch with the presidents, get in touch with a member of a committee, get in touch with the department and find out that answer. I know Members like to ensure that the public and the electorate know what they are asking you for, but to be effective about how to achieve something to bring forward a proposition, there are other ways of doing it and I would just ask Members to keep that in mind. I am not saying that they should not ask questions in the Assembly, but I am just saying there are other ways of achieving things. With our privilege of being able to ask questions in this Assembly, it comes with responsibilities as well, because we should recognise that the questions that are laid before us that Ministers are asked to answer does involve a tremendous amount of work in departments to get to get the answers ready for this Assembly. I can assure Members that it can take days to get those answers ready. I am just stating the fact, I am not saying the rights or wrongs of it, I am just stating a fact. It really takes a considerable amount of time to provide those answers. The work can go ahead, certainly. I do not have a problem with the work for the part (ii); (a)(i) I think that it has been said previously about deciding what is appropriate for a written question and what is appropriate for an oral question. If it is going to be requiring a lot of information and a lot of details and graphs and all the rest of it, they should be put in on time to get that information in an appropriate way so they can get the correct answer. I will leave it there, but I think that we do do our best to answer the questions the best we possibly can. For my part, I do not try to be evasive. If the answers come over as evasive, I am only sorry, but that is not the intention. I just ask Members to accept that getting on your feet to answer supplementary questions on the spur on the moment can be a difficult thing for a Minister and they have to think on their feet and sometimes the answers come out not quite as the questioner would like. So please just keep that in mind and let us all move forward in trying to ask appropriate questions, questions that are going to be of value to our community, so that the Ministers can give the right answers.

#### **The Bailiff:**

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

**9.1.12 Deputy G.P. Southern:**

I thank everybody who has spoken, including Senator Bailhache, despite his opposition to what I want to achieve here. Most were, by and large, positive. Deputy Tadier I think first pointed out the importance of questions. They are in fact part of the Scrutiny process, they are attempting to hold Ministers to account. I think that is a valid way of behaving. Deputy Wickenden was the first to say that he had reservations around my (a)(i), which talked about where you might require a list of facts or a table in order to properly or easily answer a question. But that does not say “must”, it does not say “shall”, it says “may”, down to the Minister, thinking: “What is the best way to answer this question? Give him a table and then talk to it or give this string of data?” one after the other, that nobody is going to recall, and you will only remember what they said when you get to Hansard a few weeks later or you run the live video and say: “Oh, that is what he said. Oh gosh, I missed that.” So the “may” I think is critical there. It is down to the Minister. If he thinks it appropriate, use it, by all means. But 9 times out of 10, 90 out of 100 questions where there is extensive data required, we usually manage to meet the deadline and it gets done at the weekend: “I really want this detail and drill down. Come on, give me the answers if you can.” The single most stirring argument for voting for this proposition is obviously Deputy Brée, who was remarkably sad, and I would suggest that Members might want to make his day and cheer him up a bit. Senator Bailhache then just briefly: “I do not know” is a perfectly legitimate question. It is relevant and it addresses the matter of the question. “I do not know” is perfectly acceptable. It addresses the point. I am not so sure about: “This answer may be prejudicial to the interests of the States” and whether that borders the boundary between: “This answer might be prejudicial to me” from a Minister, but nonetheless, there are occasions when a non-answer is the appropriate response. That is certainly acceptable. I do not see a problem with that. Deputy Norton: yes, the key word for me was there “more sensible”, this is a sensible way forward. Deputy Martin, I praise her efforts and P.P.C. in being ready to go, as it were, straight away, because they have done a substantial amount of work on it and I tip my hat to those involved. No problem. I look forward to the variant, the form of words that P.P.C. comes out with. Finally addressing Senator Routier and the Chief Minister, the Chief Minister in particular said: “We often have a blessing of information as part of the answer” in which case the Minister can go to the bits that he chooses, which is a lesson to us all, do not ask a question on more than one topic, go where you want to go and perhaps with the change to Standing Orders I am proposing, you might get the answer and not the other answer, because your question was not focused enough. Focus, right, and questions will from now on, I hope, get the right answers. I maintain the proposition.

**The Bailiff:**

All those in favour ... the appel is called for.

**Deputy G.P. Southern:**

I am content to take the 2 parts, (a)(i) and (a)(ii) separately.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats. The first vote is on paragraph (a)(i), about lists of data, and I ask the Greffier to open the voting.

<b>POUR: 26</b>		<b>CONTRE: 14</b>		<b>ABSTAIN: 0</b>
Senator S.C. Ferguson		Senator P.F. Routier		
Connétable of St. Helier		Senator A.J.H. Maclean		
Connétable of St. Lawrence		Senator I.J. Gorst		
Connétable of St. Saviour		Senator L.J. Farnham		



Connétable of Grouville		Senator P.M. Bailhache		
Connétable of St. John		Senator A.K.F. Green		
Connétable of Trinity		Connétable of St. Mary		
Deputy J.A. Martin (H)		Connétable of St. Martin		
Deputy G.P. Southern (H)		Deputy E.J. Noel (L)		
Deputy of Grouville		Deputy of St. John		
Deputy J.A. Hilton (H)		Deputy of St. Martin		
Deputy J.A.N. Le Fondré (L)		Deputy R.G. Bryans (H)		
Deputy of Trinity		Deputy S.M. Wickenden (H)		
Deputy K.C. Lewis (S)		Deputy M.J. Norton (B)		
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Bree (C)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Bailiff:**

Now, Deputy, for the purposes of saving time, as that has been adopted, can we take (a)(ii) and (b) together? Very well. I ask the Greffier to reset the voting and the next vote is on paragraph (a)(ii) and (b). I will ask the Greffier to open the voting.

<b>POUR: 38</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				

Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**10. Jersey Employment and Discrimination Tribunal: appointment of Chairman and members (P.28/2017)**

**The Bailiff:**

We now come to the Jersey Employment and Discrimination Tribunal: appointment of Chairman and members, at P.28, lodged by the Minister for Social Security. I will ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to appoint, further to a process overseen by the Jersey Appointments Commission, and in accordance with the Employment and Discrimination Tribunal (Jersey) Regulations 2014, the following persons as members of the Jersey Employment and Discrimination Tribunal, each for a period of 5 years to begin from the date of States approval: Mrs. Hilary Griffin, Mr. Michael Salter, Mr. Ian Jones, Mr. Neal Vautier and Mr. Alan Kearney.

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

I am pleased to propose the appointment of 5 new members to the Employment and Discrimination Tribunal following an open recruitment process this year. We were seeking a new chairman, a deputy chairman and 2 employee representative lay members to hear complaints made under the employment and discrimination laws.

[15:30]

The role of chairman is clearly an important one and so I am delighted that one of our current deputy chairmen, Hilary Griffin, was successful in her application. Hilary has been an extremely capable deputy chair and she clearly has the necessary skills and experience to progress to the position of chairman. We were also grateful to receive a number of good quality applications for the other vacancies, and I am pleased to propose the appointment of 2 additional deputy chairmen, Ian Jones and Michael Salter, and 2 lay members, Alan Kearney and Neil Vautier. The candidates all possess relevant knowledge, skills and experience for these positions and I am grateful that they have agreed to take on this important responsibility. If this proposition is adopted, the 5 members will be appointed today, each for a 5-year term of office. I ask Members to accept the proposition.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak? All Members in favour of adopting the proposition, kindly show. Those against? The proposition is adopted.

## **11. Regulation of care workers' employment standards (P.29/2017)**

### **The Bailiff:**

We now come to P.29 - Regulation of care workers' employment standards - lodged by Deputy Southern. I will ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion – to request the Minister for Health and Social Services to – (a) remove from the Approved Provider Framework (“A.P.F.”) for home care, agencies whose employment practices fall significantly below the standards applied to staff delivering care services fully funded by his department, such as rapid response and palliative care teams; (b) ensure that any future applicants to join the A.P.F. at least meet the employment standards applying to staff delivering care services fully funded by his department; and (c) ensure that Regulations he plans to introduce under the Regulation of Care (Jersey) Law 2014 creating a framework for regulation of care services by the new Health and Social Care Commission include requirements for providers of personal and domestic care to apply employment standards at least equivalent to the standards applied currently to staff delivering care services fully funded by his department.

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

I did not quite catch that, I wonder if ... **[Laughter]**

### **The Bailiff:**

Deputy Southern. Perhaps you would like a moment just to get your papers together.

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

No, no, it is all right. It is the wrong page. The words of the proposition, as always start with the proposition and we will see where we are. I will start, if I may, like with the last proposition, with the reverse order and we will start with (c) of my proposition, part (c). It calls upon the Minister for Health to: “Ensure that regulations he plans to introduce under the Regulation of Care (Jersey) Law 2014 creates a framework for regulation of care services by the new Health and Social Care Commission include requirements for providers of personal and domestic care to apply employment standards at least the equivalent to the standards applied currently to staff delivering care services fully funded by his department.” The key here is that as a result of the changes brought about in order to deliver P.82, getting care into the community, we have arrived at a situation where the Family Nursing organisation has a 2-tier workforce. It has some workers on States of Jersey terms and conditions and some workers on vastly reduced terms and conditions in order to try to put a system together because of changes to the funding of home care. So it refers to applying the higher level of terms and conditions in order to ensure that clients remain safe with a good level of care brought to them and that employees are not thereby exploited. The question is why is this brought? Do we have a problem? Where are we? I will attempt throughout this presentation to inform Members where we are. Returning to (b) on the proposition, it says: “Ensure that any future applicants to join the A.P.F., the Approved Provider Framework for care, at least meet the employment standards applying to staff delivering care services fully funded by his department.” So the same reference to a 2-tier system. You have got one set of workers doing similar jobs, care workers on one set of terms and conditions, and another set on a reduced set of terms and conditions. It is saying in the future, make sure people apply the best terms and

conditions. Then part (a) says: "Remove from the A.P.F. for home care agencies whose employment practice falls significantly below the standards applied to staff delivering care services fully funded by the department, such as rapid response and palliative care teams." So 3 groups there, those who are already on the A.P.F., those who are about to be on the A.P.F. and ensure regulations apply in future the best of standards. In response to my proposition, the comments of the Minister for Health and Social Services received on the 22nd, so yesterday, so barely enough time to read them, say that in fact the A.P.F. cannot cater for what I wish. It says, for example: "The A.P.F. does not make any reference to employment practices or standards in its provisions and there is no intention for it specifically to do so." Does that mean that terms and conditions of employees are safe and of high standard and that the terms and conditions do not affect safety issues or care issues? I believe they do not. The Minister says there is no intention for our regulations to cater for that. Further on, it says: "These regulations [meaning the A.P.F. regulations] do not relate to standards of employment because the law does not provide the relevant powers." I am asking the Minister for Health and Social Services to adopt those powers and to change the law, if necessary, to do so, because I believe there is a problem. In summary, the Minister says: "Members are urged to reject the proposition on the grounds that neither the A.P.F. framework nor the Regulation of Care Law, which are intended to monitor and regulate standards of care, are appropriate vehicles for setting requirements such as the minimum wage. These issues are always a matter for employers and employees." Here we come to the rub. The change from what we used to have with the arrangement with Family Nursing Services to deliver a whole set of services in the home has been largely abandoned and now we have got the free market and we are seeing the effects of the free market. This morning the Minister suggested that in order to maintain the service that he has contracted with family nurses in terms of home care, he will, if necessary, go to any of the 22 other companies which are providing domestic care and seek their co-operation. As I pointed out this morning, what that does is break that essential link of trust and caring that goes on between a long-term carer and the clients receiving that care. You do not readily allow a stranger to bathe you, to get you up, to look after you should you be incontinent. It has got to be a special bond. The continuity of care, whatever else happens from now on, will go under this situation. It points out on the second page of the comments why I believe the use of the free market does not work. It says: "Employers in the care sector accept terms and conditions appropriate to the market in which they operate and this is the proper comparator. In setting terms and conditions of employment, they take into account what they, as private and third sector businesses, can afford in order to recruit and retain staff for their part with a range of employers. Employers can look for the best overall terms and conditions package and the working arrangements that suit them." So the free market has arrived and that rules this relationship between employee and employer, each seeking their own best interest. Now, until recently, the best employer clearly was district nursing, family nursing. I keep calling it district nurses. If I do, forgive me, it is family nursing, provided by Family Nursing who have got, by far and away, the best terms and conditions. But for a group of them, care workers in particular, around 70 still, those conditions have been removed and watered down so that you can hardly see them. Now, in terms of the larger issue, the care of the elderly in particular, but of anybody needing care specifically, for the U.K. is a serious problem. They have a free market. They do not have the staffing necessarily to be able to provide a full service and what is worst of all, they do not have the funding to supply this social care. We are seeing an election taking place in the U.K. over what do we do about this, because they are, quite frankly, in a mess. Now, we have made the magnificent move of getting the funding straight. We have instituted a long-term care fund which can deliver the funding for this service. What we must be aware of is that we also have to be able to provide the staffing for this service and I believe that is put at risk. The Minister has in the past made the mistake of referring to domestic services as, by and large, shopping and cleaning, *et cetera*, although I am sure he would not do that today. Home care services involve the provision of personal and domestic care to people of all ages with

physical, sensory, mental health and learning disabilities. These services play a vital part in ensuring that people are able to live in their own homes with dignity and this is the point. If we are to get them in their own homes and not in central locations, in hospital, then we have to provide the right services. Care workers provide a very large range of services, including washing, dressing, assisting with medication, dealing with incontinence and rehabilitative care, classified as personal care, and also some domestic care. In many cases, home carers are the only people who have daily contact with vulnerable people, and in practice, these workers take on wider responsibility for the very well-being of those they look after. This is a vital central service, which is only going to expand into the future. Let us be ready to make sure that it can be made to work.

[15:45]

But as a result of P.82, the health and social care system integrated out-of-hospital services with a range of partner organisations, and as a result of this policy change, the Minister for Health and Social Services removed the subsidy first from domestic care and now removed from personal care from the previous sole provider of these services, Family Nursing and Home Care. In effect the Minister has opened the market to personal care, as in the U.K., with competition from private and not-for-profit organisations. So what we must not do is repeat the mistakes of the U.K. in opening the market and we can take a look at what has happened in the U.K., and my report on pages 6 and 7 does just that. What a sorry, sad tale it is over the past decade or so. As we have seen private provider one, for example, zero-hour contracts, paid for work done and no travel time. Private provider 3, zero-hours, paid for work done and no travel time. This is the very bottom of the barrel. This is a job which takes place in people's homes around the Island, and must be around the Island, and yet here are companies competing and saying: "The best we can do is no payment travel time." Now, I have seen what that means in some of the worst cases. That means 12 hours of contact time, in one particular example, on a 15-hour day. Fifteen hours from 7.00 in the morning, on call, 12 hours' contact. What the quality of delivery was at the end of that 15-hour day, at 10.00 at night, for that last hour, I do not know and I am sure the person concerned, the carer concerned was doing her best. I think, for my part, if I had been on the end of that 15-hour day, the quality of my service might be somewhat lacking towards the end of that day. Now, that's the sort of ... does that enhance safety? Does that enhance care? Does that meet the needs not only of the clients but also the employees, I do not believe it does. The not-for-profit number one, says here zero-hours, paper work done and travel and training. Ah, not-for-profit organisation slightly better terms and conditions. Not-for-profit 3, an organisation contracted permanent contracted workers, but paid for work done again and not travel time. So halfway there, your job is safe but nonetheless we are not paying you travel time, which means that when ... another consequence of when you are not paid travel time, depending on the ratio of travel time to contact time, would you believe you can fall below the minimum wage? Quite easily, less than the minimum wage because of these arrangements. Again, a not-for-profit organisation simply paid for work done, does not mention in this particular survey whether it covers travel time. We do not want to repeat that race to the bottom where terms and conditions are sacrificed in order that the service, such as it is, can be delivered at a profit or not at a loss, depending on what type of organisation you have. Yet, that is what we have. The change for Family Nursing and Home Care Services is as follows, and it is serious in the reduction of all sorts of terms and conditions. So previously all employees were permanent, either on a full-time contract or a part-time contract and many are on part-time contracts. Part-time contracts because it enables them either to work a late shift or, more often, a morning shift, be finished by 1.00 to look after their family, that is what suits. The replacement is variable hours, some time between 7.00 in the morning and 11.00 at night you will be asked to whatever, 5 hours of contact. Imagine being in your uniform for 5 hours of contact which may, not always, be 7.00 in the morning to 11.00 at night. Paid for 5 hours' contact time. Basic pay reduced from £13.14 hourly previously to £12 hourly, about a 10 per cent reduction, cut in wages. Evening,

Saturday and Sunday working higher rates, vastly reduced. It is on all there on page 8 of my document. Sick pay, again reduced. Holiday pay reduced, pension pay is now reduced to a 5 per cent contributory scheme. So on all levels those terms and conditions have been vastly reduced. What is the process like in the rest of the 22 organisations which are delivering in competition to Family Nursing? We have a zero-hour contract on number one, with £1.25 per visit if the shift is under 8 hours. £1.25 per visit, no matter how much travelling that requires, £1.25. Again, agency 3, zero-hours, travel at 50p a mile. Oh, jolly good, or £5 an hour, whichever is the least. Agency 5 pay travel time. Good. 60 pence a mile if transporting the client. Again, agency 7, some zero-hours but paid travel time. Nine, does pay mileage but no travel time, 20p a mile. Travel time in number 10 incorporated in the hourly rate. So what we have is a reduction in terms of the conditions about to be agreed/forced through in the next couple of months and some of the worst practices in the market now taking place replacing what were good terms and conditions for the workforce. What I suggest in my report is that we must find a way to prevent this race to the bottom from happening in Jersey. That is no way to guarantee a safe, a caring and a nurturing society for these particular clients. We have the chance not to. The Minister, in his wisdom has said that we do not have the laws in place to do that. What my proposition says is get the law in place, get the regulations, work them through to make sure that you are providing a safe and effective system where your care workers feel they are valued because that is critical in doing what we do. Now, the Minister is saying: "We cannot do anything about it, neither in the Care Law nor in the Employment Law, neither work in order to protect these workers and to protect those clients." Now this morning on my way in I met the Chief Minister briefly in the hallway and he said: "I note your reference on page 14 and 15 [he did not say 14 and 15] at the back of your report to the Unison Ethical Care Charter. Now, this is something perhaps that I am interested in, that we might be able to develop." I will not go into details because Members have had my report, it is on page 14 and 15, it is not perfect but it is a way forward and might mean that we can find a way to solve what I think is going to be a massive problem as we go forward and I recommend that before Members vote on this, this particular proposition, that they pay attention to the Ethical Care Charter which applies some ethics to the looking after the care that we need in our society from professionals. I point Members to page 13 of my proposition which looks at the satisfaction levels of clients in the U.K. between the council service as it were - what would be equivalent to what we have been doing - and the private sector in terms of key elements. What we find is for the in-house service, help with washing and bathing, an 86 per cent satisfaction rating. Very satisfied compared to the private section rating of 39 per cent. Help with dressing, the in-house proper care 87 per cent satisfaction compared with 53 per cent in the private sector. Assisting people to get to bed, 100 per cent, very satisfied, people turning up at the right times, being people being caring, people undressing them and making sure they get to bed correctly, 100 per cent satisfaction rating compared to 67 in the private segment, if they turn up on time, or they get packed off to bed early, all sorts of things that actually mean that a relationship between the carer and the client can easily break down. So my proposition says we have a problem coming, in fact it is already here because we have some 50-plus employees, ex-employees ... no, they are still employed by Family Nursing in the home care sector not signing this new contract. There will be a shortage of care sector workers. Are we going to do some joined-up thinking and examine that? Let us see if we can make a deal where workers and clients and the government is content or are we going to go down the road, I believe, to ruination in this sector, whereby we have to import some more fairly low skilled workers into the Island in order to make up the numbers so we can provide some sort of care system because if we are doing any joined up thinking together then surely the format is far better than the latter, replacing 50-odd highly skilled, long-time served, skilful workers with people from wherever who are coming to the Island and do not know about its clients, its conditions and terms. I think that my proposition addresses that issues. I have yet to see anything concrete because I looked in the comments and thought: "Oh well, the Chief Minister said the Ethical Care Charter

might work for us, maybe we should go forward with that.” I looked in vain in the comments to any reference to it, there is none.

[16:00]

So although the Chief Minister might say that might be a way forward so we have an alternative to your proposition, Geoff ... sorry, Deputy Southern ... I am allowed to, no, I am not. But it is not in the comments. So there are no plans for the alternative, this is what we appear to be going ahead with and within the month we may find that we are between 30 and 50 care workers short because they have maintained their position and refused to sign new contracts. Or do we have an alternative? I do not think there is one. There is certainly not one in view. Yet, this issue needs addressing. I think a vote for this proposition says to the Council of Ministers and the Chief Minister, and Minister for Health and Social Services: “Come on, this is a problem you need to deal with. If not this then come up and bring your scheme that is going to deal with it.” At the moment, I think, we are on the road to ruin.

### **The Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak? Chief Minister.

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

A lot of what Deputy Southern has spoken about during the course of his opening proposal I have a great deal of sympathy for. Sometimes when people stand up and say that they will do something about it... His proposal seeks to address the concerns that he has just outlined and I do think, and I have said previously, that we need to be mindful that those working in the care sector in this particular area of the care sector are extremely important because they are caring for vulnerable members of our community. Ideally, as the Deputy said, we want these individuals to almost become part of our families and care in that way. Our society has changed. Some of these jobs, some of this caring profession historically would have been done and undertaken by family members. In a more diverse community that we have become some members of our community are not surrounded by their families and their families may be facing other pressures from the ones that are faced historically and therefore rely on care workers, as I say, to take on a role akin to that which was undertaken by family members in the past. I do not want to see, as I know no other Minister wants to see, those in this particular area of the caring profession receive and have lesser standards that elsewhere in our workforce. Forgive me if Deputy Southern mentioned this, but I think if one looks particularly to the United Kingdom one sees the standard of protections and therefore, ultimately, the standard of care provided being correlated. I think we are all aware of instances where the standard of protection for these workers has been low and that has ultimately led to a very low and unacceptable standard of care. I do not want that to be the case here in Jersey. I do not think any of us aspire to that. Deputy Southern feels in his proposition that addressing that issue is done by first of all saying that people should be removed from their approved provider framework, the approved provider framework is in place until the regulation of care law regulations and framework is introduced. That would be only a short-term measure. It would, if voting for it today, potentially add unknown financial consequences to the long-term care scheme and, therefore, I do not think can be agreed. Likewise, the new Care Commission are very strongly of the view that the Regulation of Care Law should be a law which deals with just that, the regulation of care, and does not mix the regulation of care with appropriate employment protections. But as Deputy Southern alluded to - I am not going to say buried in the back of his proposition - later in his proposition he talks and refers to something called the Unison Ethical Care Charter. It seems to me when I discussed with officers in my department that being the department wherein the Regulation of Care Law and the Care Commission sit, it seems to me that working through a Jersey potential equivalent of that Ethical Care Charter, having said that of course it has been in place, as I

understand it, for over 10 years, so we could look to update that. It does not directly, again, as I understand it, deal with rates of pay which would have a knock-on effect to the long-term care provision, because long-term care is provided to the individual for then onward transmission to the carer or care agency. I know that some Members in this Assembly know that there are refinements and improvements that can be made in that regard. One of the issues that members of our community are currently finding with the long-term care charge, and we knew that this was an issue that would ultimately need to be addressed when it was introduced, was, if I refer it back to my earlier theme about carers becoming like family, there are informal carers for whom families would like to be able to access the long-term care funding and they are currently finding it difficult because it does not fit into that framework. So that framework, on the one hand, is about providing protection but on the other hand it really does need to be flexible enough to allow ultimately, as we go forward, I think more informal type arrangements with some oversight. That is a challenge for the department and the scheme as we currently stand. But I think that marrying potentially that desire with work on an ethical care charter might be a suitable stopgap and a way forward. I did suggest to Deputy Southern that perhaps he deferred his debate today so that we could sit down with him and undertake some of that work but I know that the Minister for Health and Social Services is not in a position to be able to accept this. What Deputy Southern is proposing I do not think is possible under that Regulation of Care Law anyway and therefore while wanting to work with him to deliver the desirability of appropriate protections and appropriate payments to those in this area of the caring profession I think that that at this point can be better undertaken through working together on the Unison Ethical Care Charter, a Jersey version of it, to make sure that we do not fall into the traps that others have experienced, because it is a really important area today and it is going to be even more important into the future as we have the ageing demographic. So I think that Ministers understand the Deputy's concerns and would like to work with him on suitable methodologies of addressing those concerns but it seems to us that the actual straightforward proposal, as it is in black and white, will not legally work. That creates a problem for us. It means we are going to have to vote against the black and white words in the proposition but while at the same time wanting to work with the Deputy on some type of ethical charter because I think that is in everyone's interest. I do apologise, the Deputy says there is no mention of that in the department's comments. The comments were issued by the ... and he is right. The comments were issued by the Health and Social Services Department and I have only ... I am not sure whether it was yesterday or it was Friday, I seem to have been quite busy, it was yesterday and it was only as I was preparing for today's business yesterday and understanding what was possible that I made it very clear to my particular officers' department that this was the approach that I would like to see them take. It cannot be right simply to say no to Deputy Southern's proposition without having another approach that would help deliver some of those safeguards that he has right - I think rightly - highlighted to us. I do not think he is going to withdraw it, which is a shame, because I hoped he would and bring it back if we did not make progress on such a charter type approach, because I think that is the best way forward. It would be something that the entire Assembly could get behind.

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

It is absolutely essential that we get properly organised in this sector because, as other speakers have said, we are dealing with a particularly vulnerable sector of society who very often are incapable of complaining or else they are too afraid to complain less they get no assistance or lose their help. Now, the level of training in Family Nursing and Home Care is exemplary. It is not always clear that this exists in the private sector and a regulatory regime appears not yet to have been fully established. The whole point is that we should treat our senior citizens with the same care we would expect for our own parents. You know, been there, done that, got the t-shirt and I have told my son that I want to be treated like I treated my mother, so he looks longingly at the end



of the jetty. Anyway, the Chief Minister states that we have turned the corner financially so there is little excuse for us not to adopt Deputy Southern's proposal. I shall be voting for it.

### **11.1.3 The Connétable of St. John:**

I would like to congratulate Deputy Southern for bringing this up. It is a very good, very emotive proposition, but unfortunately on listening to the Chief Minister and having been through the laws myself with my own dear mother, I cannot agree with this proposition. Elderly people are best looked after by their own family and it is the family in so many cases that know what is best and are able to employ people directly. The proposition is suggesting that they should be through an approved provider. In other words, there is a middle man. That only adds to the cost very, very substantially.

[16:15]

Both the proposer and the Chief Minister talked of being part of the family. Yes, carers do become part of the family. That is why it is so important that the family themselves are involved with the carers and those who help in any way in helping the elderly. A very good piece of legislation was passed last year, brought by the Chief Minister, allowing the elderly, before they get too far into their senior years, to appoint executors. Is that the right term?

### **The Bailiff:**

I think you mean attorneys.

### **The Connétable of St. John:**

Attorneys, I do beg your pardon, yes. Some of my rural activities coming into mind there. Attorneys. You can have up to 3, one responsible for your finances, one responsible for your care and one responsible for your health. By having these individuals appointed to these positions what is the point if they then simply appoint a care provider rather than employment direct. It is very important but there is an issue in that in care providers there is a significant difference between the wages they pay and the wages they charge to the elderly. This is best resolved in a different way that this proposition is proposing. A charter, as the Chief Minister has said earlier, is without doubt one of the ways and we need to explore if that is the best and if so how it should be implemented here on the Island. I would urge Members to reject this because I do not believe that this is the right way to go forward. Yes, we need to support the elderly, yes, we need to support carers but I do not think we should be supporting the middle man in the form of approved care providers.

### **11.1.4 Deputy S.M. Brée:**

Firstly, if I may respond to the Chief Minister's comments that he is unable to support this proposition. Where there is a will there is a way. To my mind the Chief Minister's speech clearly illustrated the lack of joined-up thinking that this Government suffers from. Government has a duty of care to the whole population and that includes care workers who deliver a core component of the overall healthcare offering and strategy. Now, for this Government to effectively wash its hands of responsibility in this respect will create quite simply a race to the bottom because market forces, once they get engaged in this, think about one thing and one thing only and that is profitability; it is not level of care, it is not workers condition, it is profit. Also by not supporting what I consider to be a very astute proposition from Deputy Southern - by not supporting it - this Government will be neglectful in its duty of care to those receiving care. Maintaining the quality of care to the elderly and the vulnerable people is the highest priority, and high quality of care comes from quality staff. No matter what you do in this world, if you run a company or work with people, you are only as good as the people working with or for you. Now, the long-term care scheme was aimed to provide quality care in the home for as long as possible until, due to one reason or another, you may require nursing care or prefer to move into a residential home. But that provision of

quality care in the home will not work, nor will it achieve its objectives, if the dedicated quality staff are not available. They are not available because of a lack of government regulations or requirements about working conditions, about pay. We have a duty of care to all sectors of this population. So how short-sighted have we become that we bow to market forces over our duty of care? I would submit, in summing up, that this Council of Minister has forgotten about its duty of care, particularly to the elderly, and as such we should support this proposition and all of us work together to find the best solution that will provide the highest quality care for the elderly and the vulnerable who should be valued members of our society. Thank you.

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

I rise to speak partly from my own knowledge and partly as the chair of the Health and Social Security Scrutiny Panel. In the course of our work we have come to the view that it certainly is the case ...

#### **The Bailiff:**

Deputy, could you put the microphone on?

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

Yes, I apologise. It certainly is the case that numbers of care workers are employed on zero-hour contracts without any security of work. They have to be available for long hours and there are increasing time pressures to complete the tasks and move on. All of this may not be the case with all firms that provide care and are on the approved provider list but it is certainly the case in some of them. Workers are given short notice of the shifts they have to carry out. They are on low wages and there is no payment for travel time, there is no payment for the cost of using their vehicle and there is no pension contribution or general employment benefits like that. So where these terms and conditions apply it can lead to tired and demoralised care workers who feel that they are not valued by their employers and if the community, we as a States Assembly, allow that situation to continue then they will feel they are not valued by their community and by the people who govern them. In the UK we have seen the results of care providers who wish to maximise their returns and reduce their costs and labour being the principal costs they just pile increasing pressures on their workers. This, in examples we have seen from the U.K., can lead to the neglect of their clients, a loss of dignity of the clients, and worse, injury and harm to clients. We particularly touched on this issue as a Scrutiny Panel when we carried out a review on zero-hour working and we made specific key findings and recommendations about the issue of not paying for travel time. We felt that was unfair and unfortunately the response received, considered by the Council of Ministers, was that the panel had not produced enough evidence of this abuse, despite the fact that we had conducted a Survey Monkey poll. But there was not enough evidence in the view of the Council of Ministers. It was also said that the time travelling in Jersey is bound to be less onerous than in the U.K. How long does it take to get from the east of the Island across to St. Brelade, through the busy town traffic? It was also said that no one has complained to J.A.C.S. (Jersey Advisory Conciliation Service) about it. That was the response. In addition it was said: "Those working under zero-hour contracts have a choice about their hours and the number of clients they choose to accept each day." Reading directly from the response. Really? In this sector, the care workers' sector. Can it be said that care workers really have a choice about their hours and the clients they accept? Oh yes, nominally on their contracts, zero-hour contracts, but Members, I trust, will understand the constraints upon these workers on zero-hour contracts. Because we noticed it and the Minister noticed it and say that we had not produced enough evidence. Can one imagine the reticence there on a zero-hour worker with no security of employment wanting to come and speak to politicians about the terms and conditions on which they are employed? No, we got no open submissions like that, despite the usual publicity, despite us

attempting to try, despite consulting with all the representative groups and asking if anyone wished to tell us. Is it surprising, therefore, that J.A.C.S. has received no complaints? Does it mean that this is not happening? No, it is much more likely to mean that these workers are terrified about talking about their terms and conditions in case they lose what opportunities they have to work. So let us not be fools, let us understand that the employers have the upper hand here. In our report on zero-hours we recommended that the Minister consider introducing similar standards to the Unison Ethical Care Charter and that was dismissed without any suggestion as put forward by the Chief Minister that it can be looked at. So why was it dismissed just 18 months ago. Again, it was said it is not needed because we have not brought forward any evidence as to its needs. We have the opportunity, I submit, to do things differently here because the long-term care scheme and the regulation of care is still in its infancy. We do not, in fact, have the Regulation of Care scheme up and running just yet, so we have a chance to put it on a proper footing, but it does need directly from this Council of Ministers. So I read in the comments papers that there is no intention to take any action as a result of this proposition but I do not feel that is good enough. What will the Council of Ministers do about this issue? The comment paper does not tell us anything. So is it still the case they are proposing to do absolutely nothing as per the response to our zero-hour contracts report? Will, at least, the Council of Ministers commit to working on a charter which will be included as a code of conduct for all care providers to observe, or if they choose not to observe it then the onus is on those care providers to justify their actions. In a similar way we do to financial services companies in a completely different realm. Financial service companies are regulated highly but under codes of conduct. It is not the law but if they choose not to observe those codes of conduct a very harsh onus is on them to justify their actions. So Council of Ministers, I would ask, should bring this forward as a means of writing in a code of conduct for the future of regulation of care regulations.

[16:30]

Because at the moment all we have in the comments paper is a fear that this will drive up costs, costs to the long-term care fund. But what about the social value of ensuring that care is delivered to a high quality, as a measure of excellence. That will ultimately save costs because we do not want to get into a situation where you have a constant turnover of care workers who are not performing adequately, who are pressurised in their time and the care they can deliver to their clients. That will ultimately lead to greater cost. We should surely be looking at the delivery of the most excellent standard of care. This is an essential component of the new health service and we should be concerned to make sure that those delivering that component of our health service are treated properly. We must invest in that workforce, it seems to me, because this is not private sector enterprise that this Assembly can say is down to industry and nothing to do with government. Because long-term care funds are being paid to companies that are approved providers of care. It is proper to ensure that the funds coming from long-term care funds, taxpayers' money, are used to maintain excellence in care. Therefore, I have to say I am extremely disappointed with the response from the Council of Ministers. I would have hoped for an acknowledgement that something will be done, some standards will be put in place, and not just: "It is impossible" and then nothing is proposed. I acknowledge that Deputy Southern's proposals are perhaps clunky. They do not fit within the approved provider framework. You would have to change the law. But in the absence of anything positive coming from the Council of Ministers, I feel I must vote with Deputy Southern to send that message that something should be done. So that, I am afraid, is what I am driven to and I hope other Members may feel the same concern that I do and send a message to this Council of Ministers.

**11.1.6 Senator A.K.F. Green:**

I think probably I need to start with a point of clarification, possibly an apology, because the way that I read this proposition was that Deputy Southern was trying to negotiate terms and conditions, particularly for Family Nursing but for that area of care, on the floor of this Assembly, and that is wholly wrong. That is how I read it and that is my reason for opposing this. That said, the chairman of the Scrutiny Panel just asked would somebody from the Council of Ministers stand up and commit to the Ethical Care Charter. Well, I think the Chief Minister has already done that, but I align myself with that. I cannot support this proposition because terms and conditions of employment are a matter, providing they fit with the law of the land, for the employer. Members might also like to be made aware that the report that Deputy Southern quoted from was a 10 year-old report in Tower Hamlets in London. So, it is completely irrelevant to Jersey. It was produced, I believe, by the union Unison. Aside from that, the reason that the U.K. have so many problems is that they did not have the vision that this Assembly had to bring in the long-term care scheme. I know that it is 1 per cent that everybody pays, but they did not have the vision to bring that in. So, very often, providers in the U.K. are trying to cut their cloth to meet the funding that the individual has to provide to buy that care because very often councils are either reducing funding or not funding it at all. We are in a totally different ball-game here. The long-term care scheme, providing the person meets the criteria and is assessed as such, that money is available for them to spend with whichever provider they choose to use. So, in answer particularly to the chairman's comments, will the Council of Ministers commit to the Ethical Care Charter, yes, I will, but I cannot commit to negotiating wages or terms and conditions on this Assembly floor. It is wholly wrong and that is the stance that I took.

#### **11.1.7 Senator P.F. Routier:**

I am sorry Deputy Brée has just left the Assembly because I have to take exception with his comments about the Council of Ministers having forgotten about the care of our community. We have only recently appointed a care commissioner whose responsibility it is to ensure that people who are being cared for in our community are receiving the appropriate level of care. I can assure you that having made the commissioner aware of this particular proposition he has indicated that this will not achieve what I think we all want, to ensure that people within our community are cared for in an appropriate way. He cannot see that this will do what we all want, and I think that has been highlighted by the Minister for Health and Social Services as well. There is a commitment that because there are going to be more people cared for in our community and that is where people want to be cared for we want to ensure that they are receiving the correct amount of care. As has been highlighted, we have the long-term care provision, which is ensuring that people have some funding to buy their own care so they can stay within their own homes. We should welcome that and celebrate that because that is something which this Assembly has achieved in recent times. We have seen what is happening in the U.K. where they are struggling. They are probably going to end up copying what we are doing because it is a very, very good scheme. I am pleased the Minister for Health and Social Services has given a commitment to look at the Ethical Care Charter which has been highlighted by the proposer of this proposition. I chair the Children and Vulnerable Adults group and we look at all social policy matters as a group of Ministers. I can assure you that we know that we need to ensure that not only the elderly, the vulnerable, people with disabilities, they all do require a level of care which is appropriate for their own personal circumstances. That is what we hope to be able to achieve by doing that. Deputy Southern has a germ of an issue here which needs to be addressed. There is no doubt about it, I accept that. There are things that we need to ensure that the people who are working within our care community are being supported, not only financially but in all other terms, in training and to ensure that they can deliver the care that we want for our people. There are 3 of us now who have stood up and given the assurance that the Ethical Care Charter is something we want to work to, and I can assure you that the Council of Ministers has not forgotten about the care of our community. We want to ensure that that

appropriate care is there. Unfortunately, this proposition does not achieve that, so although asking Members to reject this proposition, I do give a commitment as much as I can as an Assistant Minister, but as far as the Chief Minister has said and the Minister for Health and Social Services has said, that we want to ensure that the appropriate care is available for our community.

#### **11.1.8 Deputy A.E. Pryke of Trinity:**

Like all of us here, I think we all want to make sure that those who need and receive care in the community get the best care possible delivered by the best person possible. During my career, most of my 25 years in nursing was looking after patients in the community and I have to say here that it has been one of the most rewarding and humbling parts of my career, caring for people in their own homes surrounded by family and friends who they love. That is one of the reasons why the Regulation of Care came to be and came to this House, which this House approved, because regulation was not part of the caring in the community. There have been agencies around for many, many, many years in Jersey all able to do more or less what they have liked, so that is why the Regulation of Care was so important to ensure that it was up to a professional standard and that it is regulated, properly controlled and looked after by making sure that you have staff going into caring for patients who are trained - because training is an important part - as well as being professional. So that Regulation of Care Law has achieved and it is a journey. We know it is a journey. We know it was the journey I think which the Scrutiny Panel thought for one of the recommendations back in 2007, so it is a journey and the journey is still on. As Deputy Routier has just mentioned, another part of the journey is to put a commissioner in place and that has been done. I have been fortunate enough to meet him and personally I was very, very impressed. Working with that commissioner and putting in place how the care is going to be regulated is the next stage. As I said, it is a journey. What Deputy Southern here is trying to achieve in his proposition, as has been said by other Ministers, I now get what he was ... because first of all I read it like the Minister for Health and Social Services did regarding Family Nursing services, who do - have done and always will do - provide a very good service. But if you mention, going on the back page, the Unison Ethical Care Charter, I am sure we can all sign up to that. That is something that we want, that we should have in caring for people in the community, but the 2 do not quite marry up. I am sorry, I would like to but I cannot support Deputy Southern because, like him, I want to achieve the best possible care in the community, but I could sign up to the Unison care charter. It is something that we can - and I know the Chief Minister has mentioned that to Deputy Southern - work with the commissioner, to work with the other commissioners now who have just been appointed, to achieve something that is really good and really does make a difference to people receiving care in the community. So, I will leave that to say please look carefully at what is proposed in the proposition and the ethical care. We can all sign up to that, but that is not what is in the proposition.

#### **The Bailiff:**

Can I just say to those who are listening to this debate in the anteroom that we are down to the minimum number in the Chamber, so it would be helpful if some would return in case any in the Chamber have an urgent need to go out? Does any other Member wish to speak? Deputy Tadier.

#### **11.1.9 Deputy M. Tadier:**

When the last few Ministers have got up to say: "I perhaps misunderstood that" - and we have even had an apology from the Minister for Health and Social Services - I was waiting for the point at which they would say: "And that is why now we can support Deputy Southern's proposition because we agree with the principle and we misunderstood what we thought we had read first of all and we are all on the same hymn sheet." Because we are getting a lot of rhetoric here. We are getting a lot of nice words of sympathy but we are not getting any commitment to action. I think the closest we have had was Senator Routier, who said: "As far as I can as an Assistant Minister I

can give a commitment that appropriate care should be available in the community.” Of course, I think that is simply a truism which you would expect of not just any Minister but any right-thinking individual in or outside this Chamber. Of course we want appropriate care available in the community but it is a question of how we deliver that. This proposition is not simply about workers or, rather, it is not simply about the level of care that is delivered. It makes the link between terms and conditions and similarly it is not simply ...

**The Bailiff:**

Could I ask you to sit down, Deputy, please? I am afraid we have become inquorate. Can I ask those outside to return to the Chamber? Deputy, please continue. Thank you.

[16:45]

**Deputy M. Tadier:**

So it might be tempting - and I am sure this is where the Minister for Health and Social Services has repeatedly been coming from during question time - to say this is an issue of terms and conditions to do with workers and that is between the worker and the employer. That is the line which the Minister has continually taken and said: “I cannot, therefore, get involved because that is not a matter for me. It is not a matter for us.” That might be true if there was absolutely no link between the level of care which is delivered not just theoretically but practically in the community and the fact that we have real humans who need to do this often very important work that other people will not do for whatever reason, either because they have other jobs, they have busy lives. It is not everybody, remember, in our community who will do these jobs. I remember somebody else once commented in a debate that it is often the lowest paid jobs that are the ones that nobody else wants to do, and there is a paradox there. In fact, I think we all agree that no amount of remuneration can ever be good enough and these individuals, of course, do not do it for the money. It is a vocation by and large and the clue is in the name when it comes to care. They are carers first and foremost. So I ask the question: who cares for our carers in the community? Who looks after their interests? There is an intrinsic link between the fact that if you have essentially a race to the bottom, a levelling down - and what Deputy Southern here is trying to do is to establish a minimum standard to level up, saying we as a States and the Health Department have a certain standard which we apply to our employees and which we think is correct and good practice for our employees, which we would adhere to - you should apply that across the board. Now, I am slightly uncomfortable, perhaps understandably where my politics come from, that we outsource care anyway. It is the private sector that provides care in some instances, but we do not do that at the hospital, do we? The hospital is not yet privatised, although do not give them too much otherwise they might do it. There is a risk we are going to move towards a world where health care becomes privatised and that is a scary thought. Hopefully, it is not going to be the case, but it is the case for some reason when it comes to long-term care, to the care of the elderly, first and foremost although not exclusively, of course, for the elderly. There are others who need to be remembered in this equation who need long-term care, who are not necessarily elderly, throughout the whole of their lives. This is about establishing the link because if somebody cannot get access to sick pay, if they are going into work when they are ill, there is a practical risk there for the person who is being cared for. It might be that you go into work when you have a cold, for example. It sounds fairly innocuous but then you pass on those germs to the person that you are caring for, who may have a lower immune system than you have already. Or it might be, much more likely, that because you are getting paid less, you are having to do more hours because you found that your travel time has been cut. You have to work more. You are not spending the time with your family and you become run down. So you do not necessarily become physically ill, although you may become susceptible to that. You cannot provide the same level of care that you want to to those individuals in the community, in our communities, and we all know them. This is not simply about statistics.

This is not about figures and money. This is about individuals in our communities who both provide the care, much needed care, but also those who are in receipt of the care. We know that Family Nursing, in particular, are a very much respected part of the community, not just for the care but also the important role and the relationships that they build and establish within the community. It is very much a 2-way street. It is emotional as well as physical support that is given. When we say we are going to wash our hands of this as an Assembly, when the Government and the Minister says: "I am not concerned about terms and conditions, that is a matter purely for the free market", that cannot be acceptable in the case when they are delivering something on our behalf. Of course, there are certain contexts when we do not interfere in the free market, when it is completely different. We do not tell people what they can charge for ice-creams. We do, interestingly, regulate taxi fares, but let us not go down that route today. There are certain things, of course, where Government does not get involved, but when it comes to a service which ostensibly or arguably we should be providing ourselves but we have farmed it out, of course we need to make sure that we put the right checks and balances in place. This is all that Deputy Southern is asking for in parts (a), (b) and (c) in here is to make sure that there is a relevant framework. There will be, of course, the body of work that the Minister needs to go away and do to ensure that we have the right terms and conditions so that the right level of care can be delivered in a practical sense in the community. I would hope that we could all agree with this and that we give a green light for the Minister to go away and make appropriate terms and conditions to level up and not level down something which is only going to become more and more important as time goes on.

**The Bailiff:**

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

**11.1.10 Deputy G.P. Southern:**

I will respond, if I may, to individuals later on, but I want to start with a paragraph that I think is germane to what I am trying to do. It is a paragraph that comes from the comments on page 3 from the Minister for Health and Social Services: "The 2014 law, which was adopted by 43 votes to 6 by the States Assembly on 30th July 2014, and associated regulations fall within the remit of the Chief Minister as opposed to the Minister for Health and Social Services. It is envisaged that the remaining provisions of the 2014 law will come into force towards the end of 2017 pending the States agreeing and adopting the regulations and orders made under this law. Regulations relating to the definition of 'regulated services' and to standards and requirements are currently being drafted to a stakeholder consultation process. These regulations do not relate to standards of employment because the law does not provide the relevant powers." I ask this Chamber: who makes law in Jersey? I ask this Chamber: who makes regulations in Jersey? I ask this Chamber: who makes orders in Jersey? The answer is this Chamber. In the latter case, of orders, it is the Council of Ministers. The regulations do not relate to the standards of employment because the law does not provide for the relevant powers, so let us change the law. Because there is a clear, I think, manifest link between working under poor terms and conditions and endangering, putting at risk, the health and safety of the clients to which you are delivering that system. We can do it if we choose. Do not be a "cannot do." Returning to those who spoke, all of whom I thank because it is not an easy area in which to deal but one that, nonetheless, we have to do, I will start with the Chief Minister's words where he offered sympathy to me. He said the obvious response is: "Well, why do you not do something about it?" Well, I will give him the obvious response: "Well, why do you not do something about it? You are the lawmaker. You are the maker of regulations. This could happen if you decide so." When he refers to not going down the path of the Care Commission Regulation of Care that has occurred in the U.K., he neglects to say that our Regulation of Care Law and our Care Commission is based almost identically on the U.K. system. As he rightly says,

the U.K. system does not have the checks and balances in place and their service is somewhat lacking, yet we have nothing on our statute which would change that. As a general point, but I will address it to the Chief Minister, he suggested that we should work together. How would we work together? When would we work together? When could we seek agreement? When could we open talks? This is a question that within the month there will be 30-plus dedicated care workers out of work to be replaced by people from who knows where. I do not know. What was missing from the Chief Minister's contribution, his Assistant Minister's, the Minister for Health and Social Services' contribution, the Minister for Housing's contribution, was anything concrete at all as to what is the way forward. We do not like this. We are not prepared to change any regulations. We are not prepared to change any laws. There is nothing we can do apart from some vague agreement that working towards an Ethical Care Charter is the way forward. Nothing concrete. No dates, no times: "Let us get together this week, next week. Let us start thrashing it out. We are prepared to talk to the current care workers who are in dispute. Let us start working out if we can get to that position." Nothing concrete at all, just some vague whiffle full of sympathy and tears. No contact. The Minister for Health and Social Services says he has no relationship at all to the delivery of what he is bound to do, which is a care service which is fit, and if one of his mechanisms of delivery through Family Nursing happens to break down, that is not his responsibility. I am sorry, Minister for Health and Social Services, yes, it is because you are responsible for moving from P.82 towards delivery of care in the community. Nothing is in place to change things. The only response from the Ministers is: "You came with the wrong proposition" and the natural consequence of that is where is the amendment? Where is the bit where we could put in something in regulation to address these issues? It is not there. Ever and again this Council of Ministers just says: "No, Back-Bencher, we do not agree with you, we are not prepared to do anything, not an amendment, not our scheme. Thank you for getting us going because we have a scheme here. That will do the business." I would love to be able to say, as the Chief Minister said to me, would you be prepared to withdraw this proposition? The answer is no because there is nothing concrete to put in its place, nothing at all apart from some will-o'-the-wisp: "We are in sympathy with you. We are going nowhere." The fact is that, as Senator Ferguson said, the levels of training and care in Family Nursing are without peer, either on this Island probably and off this Island, and that is where we should be going. Deputy Brée quite rightly looked for joined-up thinking and said it was completely absent from the Minister's response and referred several times, I think, to the duty of care, the duty of care to the whole population. That, incidentally, includes the increasing numbers of elderly and those who are vulnerable and need home care. It is part of their plan. Why is it not catered for? Why have they not seen this coming? I will leave that unanswered. Perhaps Members in their voting can answer it for me. He talked time and time again not just about the delivery of minimum care but the quality of care, and that is by no means guaranteed.

[17:00]

The Deputy of St. Ouen, my chairman, quite rightly pointed out the damage that is done through zero-hours contracts and their imposition and talked about the imbalance of power between the care worker and the employer, which says you are probably better not to make a fuss unless, of course, you feel that you cannot other than make a fuss. He referred to the lack of dignity incurred by the use of zero-hours contracts inappropriately and even for potential injury and damage to clients. He referred again to the charter, which we first recommended in our report on zero-hours and the charter on care, in particular, is a way forward. If the Council of Ministers could find a way to come up with that alternative in a decent level of time then perhaps there would be no need for me to bring a proposition. Perhaps we might have got somewhere already on the Ethical Care Charter. Since, it has been mentioned, I will just briefly refer to a number of its conditions. The Ethical Care Charter for commissioning of homecare services. This is one we have. It is already in place. The starting point for commissioning the visits will be client need, not minutes or tasks. Workers



will have the freedom to provide appropriate care and will be given time to talk to their clients. So, we are already there on that one. We do not have 15 minute appointments anywhere, as far as I know. We have a system whereby the need of the client is assessed by social workers. That is what drives the system. That is in place. We can make a start there and move on to homecare workers will be paid for their travel time, their travel costs and other necessary expenses, which is mobile phone. There is a simple way to make sure the system works better. Those homecare workers who are eligible must be paid statutory sick pay. It would be different for us, because we already have that in place. Sick pay which does not make care workers feel that they have to go into work to look after a vulnerable client when they are putting that vulnerable client at risk, as mentioned by Deputy Tadier. When we look at that sick pay condition, I came across a contract with an employee, not in the care industry, elsewhere, where the total sick leave that the employee is allowed is 4 weeks per year. Otherwise it is a sackable offence. I know of a case with 4 different bouts, just a week, reached the 4 weeks, that is what we allow. That person has been sacked, 4 separate chest infections, heavy cold, influenza, indicators and sacked. That is not the right way to treat sick leave. I have mentioned this before, I mention it again. In terms of holiday, if you are on a zero-hours contract, you get your holiday pay wrapped in your weekly or monthly pay, which means that you never get to save it. It means that you never get the holiday, which gives you a break, unless you are ill. I refer to a worker who said: "That is the first holiday I have had in 5 years." What it was was a long weekend in a caravan in France. She came back refreshed instead of the usual tired, pushing herself to do those hours and make the quality of her care count. Continuing with just brief exploration of the Ethical Care Charter, clients will be allocated the same homecare worker wherever possible. That is just about to be broken. Within a month there will be a group of clients out there, family and nursing, who will be getting a new face to bathe them, to wash them, get them up and put them to bed. Hopefully they can make that relationship. Zero-hour contracts will not be used in place of permanent contracts. That should be written in stone. We could do that. It is totally inappropriate to use that cost-saving technique on care workers. Home care workers will be given the opportunity to regularly meet co-workers, to regularly meet co-workers to share best practice and limit their isolation. One of the factors, again, being told time and time again by workers that they feel isolated. Where is the support network for them in delivering their care? Finally, this is something that is obviously a little way off, but could make a start to a wider aim of our society, all homecare workers will be paid at least the living wage. This would require the living wage to be in place at whatever rate is seen acceptable. There is a nice thing. Let us ensure that people get paid a respectful and respectable wage in order to do this vital job. Finally, all homecare workers will be covered by an occupational sick pay scheme to ensure that staff do not feel pressured to work when they are ill, in order to protect the welfare of vulnerable clients. It is not a very complex, nor indeed comprehensive ethical charter, but if one Minister had said today: "We will have this in place by X", pick your X, that was less than 2 years, I would have said: "Okay, fair enough. I will give you a hand." That did not happen. All we have is what Deputy Southern suggests is not possible to do, we are not prepared to do it, we do not have an alternative, so we are going to vote against it. Wonderful logic, I love it. I will keep coming back for this, but I am tired, tired of people's sympathy. Let us see them act. Let us see them deliver. This Council of Ministers must deliver, if not now then in the very near future, because we are hitting the crunch time. Thank you.

### **The Bailiff:**

I invite Members to return to their seats. The vote is on P.29 Regulation of care workers' employment standards. I ask the Greffier to open the voting.

**POUR: 18**

**CONTRE: 23**

**ABSTAIN: 0**

Senator S.C. Ferguson

Senator P.F. Routier

Connétable of St. Lawrence	Senator P.F.C. Ozouf
Connétable of St. Saviour	Senator A.J.H. Maclean
Deputy J.A. Martin (H)	Senator L.J. Farnham
Deputy G.P. Southern (H)	Senator P.M. Bailhache
Deputy of Grouville	Senator A.K.F. Green
Deputy J.A. Hilton (H)	Connétable of St. Clement
Deputy J.A.N. Le Fondré (L)	Connétable of St. Mary
Deputy K.C. Lewis (S)	Connétable of St. Brelade
Deputy M. Tadier (B)	Connétable of St. Martin
Deputy of St. John	Connétable of Grouville
Deputy M.R. Higgins (H)	Connétable of St. John
Deputy R.J. Rondel (H)	Connétable of Trinity
Deputy of St. Ouen	Deputy of Trinity
Deputy L.M.C. Doublet (S)	Deputy E.J. Noel (L)
Deputy R. Labey (H)	Deputy S.J. Pinel (C)
Deputy S.M. Bree (C)	Deputy of St. Martin
Deputy T.A. McDonald (S)	Deputy R.G. Bryans (H)
Deputy J.A. Martin (H)	Deputy of St. Peter
Deputy G.P. Southern (H)	Deputy M.J. Norton (B)
	Deputy of St. Mary
	Deputy G.J. Truscott (B)
	Deputy P.D. McLinton (S)

**The Connétable of St. Saviour:**

Excuse me, Sir. My vote was not registered before, my light is still flashing. I know it is not going to make any difference at this stage, but I would have gone with Deputy Southern.

**The Bailiff:**

Very well, that will be entered in Hansard. Thank you.

**The Bailiff:**

Before we come to item M, I can announce that I have received a notice from Deputy Norton that he wishes to tender his resignation from the Privileges and Procedures Committee, on the grounds of his existing workload. I mention that now so that when the matter comes back on the next occasion, Chairman, you will no doubt wish to nominate a Minister or Assistant Minister to replace him.

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

Can I thank Deputy Norton for his work on the Committee? I know it was short, but nevertheless it was an extremely welcome contribution to our work.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

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

Arrangement of public business, as per the Consolidated Order Paper with the addition on 20th June of P.43 Amendments for Standing Orders in the name of the Privileges and Procedures Committee. Otherwise the items are as per the Order Paper. I would propose that arrangement.

**12.1 Deputy M.R. Higgins:**

I have already indicated to Members that I was proposing that we have an in committee debate on the Innovation Fund, which will have to be on, I think, 6th or 7th June. The reason I am doing so is the fact that we had a statement given to Members 2 weeks ago. When a copy of the statement was given to Members, some Members received a 72-page report at the same time, other Members did not receive a copy, myself included. Therefore, we were not in a position to ask any reasonable questions about the Innovation Fund. Therefore, I think it is in the public interest that we should have this in committee debate in 2 weeks' time to get the full facts. Thank you.

**The Bailiff:**

Is the proposition seconded? [**Seconded**] The proposition from Deputy Higgins that we have a debate on the Innovation Fund. Just the Innovation Fund or do you wish to be more precise than that?

**Deputy M.R. Higgins:**

No, it is on the Innovation Fund, so we can get to ... we have the Innovation Fund report that came out, there is the Comptroller and Auditor General's report, so we can have a full debate on what happened and give the true facts.

**The Bailiff:**

Very well. Before we go to any vote on that, does anyone wish to speak?

**12.1.1 Senator P.F. Routier:**

It was just an observation. I was going to be asking for an item to be brought forward to 6th June, because the Chief Minister is going to in Paris on 7th June.

**The Bailiff:**

I am sorry, Senator, we are dealing with the ...

**Senator P.F. Routier:**

Yes, Sir, it relates to this. If we want the Chief Minister to be present for the in committee debate on the 7th June, he unfortunately will have to be in Paris on 7th June. That is the reason I raise that issue. So, if we want a full debate on the Innovation Fund, I really think the Chief Minister should be here. I know that the matter he has to deal with in Paris is vitally important for our Island.

**The Bailiff:**

I see.

**Deputy M.R. Higgins:**

Is there any way that the matter could be brought forward on 6th June.

**The Bailiff:**

You will get to reply in a moment. Senator Ozouf?

**12.1.2 Senator P.F.C. Ozouf:**

I knew of Deputy Higgins' likelihood of proposing it, but perhaps in summing up he could explain a little more exactly what he wants to achieve with it, because he said "get to the truth". I just wondered whether or not what he thinks is going to be achieved with it. I think Parliament should debate matters or they should discuss things. We have a tradition in this place of only going for something that has an objective, other Parliaments would do this. My other point was that there is an Economic Affairs Scrutiny Panel and I would have thought it was appropriate to establish whether or not the Economic Affairs Scrutiny Panel, which deals with political matters, as opposed

to P.A.C. (Public Accounts Committee) which are doing obviously official officers' matters, was going to hold any hearings and that whether or not the sequencing of all this has been a bit of a nightmare for some, as some Members will know. If Deputy Higgins could explain: what is designed to be achieved and is this going to cut across ... it may be interesting that the chairman of the Economic Affairs Scrutiny Panel would say whether he is planning to hold any hearings on these things or whether or not he would think the in-committee debate would meet his committee's requirements of no doubt holding politicians appropriately to account?

**The Bailiff:**

We will come to the Chairman in a moment. Deputy Martin?

**12.1.3 Deputy J.A. Martin:**

Normally I would stand up here and probably support Deputy Higgins. My problem is that, along similar lines, how many debates in committee are we going to have on the Innovation Fund?

[17:15]

Because P.A.C. are doing a piece of work, there are 2 more reports to come from the Chief Minister Department, as far as I am concerned, on officers and something else. They will all be very interesting, but I want all the facts. I want an in committee debate. I just think, June. Unless we have one every time a report comes out and not define the issues ... because I am sure P.A.C. probably will have some issues, but I do not want 3. I do not think the Deputy will get 3 in committee debates for the Innovation Fund. So, at the moment, unless he can persuade me otherwise, I am not supporting this at this time. I do not say that we do not need one, but I think it is much too soon. Thank you.

**The Bailiff:**

Deputy Brée, is there anything you can add in relation to your panel?

**12.1.4 Deputy S.M. Brée:**

Yes, Sir. I think it is important that we clarify this situation with regards to the reporting on the Innovation Fund. P.A.C. look at historical things, not only financial matters, but also areas of responsibility. The Economic Affairs Committee looks at current policy and future policy and draft legislation. It is not our intention to undertake a review at this stage into the report that has been issued so far on the Innovation Fund.

**12.1.5 The Connétable of St. Clement:**

All I would do is to point out to Members that on 6th June we have a significant amount of business down already, including the completion of P.18 on the Reform of the States and Chief Minister term limits. So, I think we are going to be here for 2 days on those items alone. If we look forward to 20th June, we have a fairly light agenda. I would suggest, if we are going to have an in committee debate in the short term, 20th June would be a much better date than 6th June. Although I do have a lot of sympathy with what Deputy Martin said about waiting until we have all the reports and all the information available.

**12.1.6 Deputy M.R. Higgins:**

I am happy to put it back to 20th June. If the Chief Minister is not going to be here, he is and has been an important player in the Innovation Fund and obviously we should hear what he has to say. If it helps with business, the 20th June, I prefer to put that date forward. Deputy Martin says we should wait for the other 2 reports. Does anybody have any idea when those 2 reports are coming? They may never come. I certainly do not. The Chief Minister is not here. They could be taking one month, 2 months, 3 months, we may never get the report. The point I would make is the other

2 reports are peripheral. Remember the first report was to do with ministerial responsibility. The second one was to do with officers. The third one was to do with other grounds, *et cetera*. I think there are enough questions to be asked regarding the Innovation Fund report that we received from the Chief Minister 2 weeks ago. It was totally unsatisfactory. It is typical of what Ministers do, expect us to be able to ask questions when you have the statement in front of you, he is referring to a report which you have got or you have not got. If you have got it, how you can read 72 pages quickly enough to be able to ask a reasonable question is unbelievable. I think it is vitally important that the States should find out exactly what went on. We have a chance now to do it, if it is 20th June, we can go back through the Comptroller and Auditor General's Report, we can look at the Innovation Report that was put forward by the Chief Minister and if Ministers - I was going to use an unparliamentary expression - expedited the 2 other reports that they are talking about, if they think it is that relevant, then I think 20th June would be there. Now, there are many unanswered questions and it has left a very bad taste, not only in States Members' mouths, on the information received and how it was done, but also in the public's mind. Part of it is, if we think of what the Chief Minister said in his statement at the end, he blamed a number of things. He wanted to see changes. He felt there were problems with the way the States does its business. There were problems with Scrutiny. There were problems with everybody except the Council of Ministers. So, these are all questions that I think should be explained in that debate and let us have it on 20th June. So, I propose that we put forward an in Committee debate on 20th June, Sir.

**Senator A.K.F. Green:**

As a point of clarification, I do not think the Member intended to mislead the House, but the officer report is unlikely to be one that would be made public.

**The Bailiff:**

The vote is on whether to have an in committee debate on the Innovation Fund on 20th June. The appel is called for. I invite Members to return to their seats. I will ask the Greffier to open the voting.

**POUR: 20**

Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator P.M. Bailhache  
 Connétable of St. Saviour  
 Connétable of Grouville  
 Connétable of St. John  
 Deputy J.A. Martin (H)  
 Deputy G.P. Southern (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy K.C. Lewis (S)  
 Deputy M. Tadier (B)  
 Deputy of St. John  
 Deputy M.R. Higgins (H)  
 Deputy R.J. Rondel (H)  
 Deputy of St. Ouen  
 Deputy R. Labey (H)  
 Deputy S.M. Bree (C)  
 Deputy T.A. McDonald (S)  
 Deputy of St. Mary  
 Deputy G.J. Truscott (B)

**CONTRE: 17**

Senator P.F. Routier  
 Senator A.K.F. Green  
 Senator S.C. Ferguson  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of Trinity  
 Deputy E.J. Noel (L)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Martin  
 Deputy R.G. Bryans (H)  
 Deputy of St. Peter  
 Deputy L.M.C. Doublet (S)  
 Deputy S.M. Wickenden (H)  
 Deputy M.J. Norton (B)

**ABSTAIN: 0**

**12.2 Senator P.F. Routier:**

With regard to the agenda for the next sitting, the Chief Minister, as I said, will be unfortunately out of the Island ... well, fortunately for us, because he is doing something important in Paris. The last item, P.31, I was wondering would it be possible if Members would be prepared to take that as the first item on 6th June.

**The Bailiff:**

Do Members agree to take that item first?

**Deputy M. Tadier:**

Would the speaker explain what the Chief Minister is doing in Paris? I am sure it is important, it just seems secretive.

**Senator P.F. Routier:**

I think it is a matter which will be announced nearer the time, because there are 2 parties to the discussions that are happening. It will be more appropriate for that to be announced next week.

**Deputy M.R. Higgins:**

Could I seek clarification on that? Sorry, it will be announced next week when the States is not sitting. Is that right that you are going to be making a very important announcement outside the States?

**The Bailiff:**

The States now stands adjourned until 9.30 a.m. on 6th June.

**ADJOURNMENT**

[17:24]