

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 18th JANUARY 2022

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

I would like to welcome His Excellency who is joining us, I think, virtually today, so I am informed.

QUESTIONS

2. Written Questions

2.1 Connétable of St. John of the Minister for Health and Social Services regarding contracts to reduce the waiting list for cataract surgery (WQ.506/2021)

Question

Will the Minister advise whether a contract has been awarded with the aim of reducing the waiting list for cataract surgery, and if so, will he state –

- (a) the cost of the quote for this work;
- (b) the amount paid for this work;
- (c) the length of the term of the contract;
- (d) the amount of time spent in Jersey by anyone contracted to undertake the work; and
- (e) whether there have been any issues with the treatment carried out in Jersey, and if so, what those issue have been?

Answer

- a) circa £260,000
- b) Health and Community Services (HCS) is awaiting the final invoice.
- c) The contract was based on a volume of clinical activity.
- d) Clinical activity took place over an 18-day period.
- e) HCS does not comment on matters to do with individual patients, their treatment, treatment outcomes or other special category health data matters.

2.2 Senator S.W. Pallet of the Minister for Health and Social Services regarding the provision of rehabilitation services in Jersey (WQ.506/2021)

Question

Will the Minister provide the following information with regard to the provision of rehabilitation services in Jersey –

- (a) the number of patients requiring rehabilitation services on Samarès Ward for the 12-month period prior to the closure of the ward in May 2020, broken down by month;
- (b) the number of patients requiring rehabilitation services on Plémont Ward at the General Hospital for the 12-month period after the of closure of Samarès Ward in May 2020, broken down by month;

- (c) of the patients in (b), how many were provided with detailed care packages upon discharge from Plémont Ward;
- (d) following the relocation of rehabilitation services to Plémont Ward, how many individual appointments for care were made for patients with the following services in the subsequent 12 months –
 - (i) physiotherapists;
 - (ii) occupational therapists;
 - (iii) speech therapists; and
- (e) following discharge from Plémont Ward, the number of individual appointments made for care at home delivered by the services detailed in (i), (ii) and (iii) between May 2020 and May 2021?

Answer

(a) The last patient recorded in the specialty “Rehabilitation” was discharged from Samares Ward in March 2020 so the period 1 April 2019 to 31 March 2020 has been used. Please note that there were less than 5 patients where the specialty was not “Rehabilitation” – these patients have been excluded from this analysis.

During the early days of the pandemic, Samares Ward was provisioned, but not used, as an acute ward. This was superseded with the decision to build the Nightingale Hospital. As previously stated, the decision to close Samares was taken in May 2020.

As stated in the answer to WQ495/2021, patients can be transferred to a rehabilitation ward when they do not need rehabilitation. This is to place all patients within the hospital in the ward that best cares for their needs. This includes patients waiting for community residential/nursing home placement or care at home provision. These patients are classified as ‘Rehabilitation’ on TrakCare, so form part of the figures in total discharges.

Table 1: Number of patients discharged from Samares Ward, April 2019- March 2020

Discharge Month	Number of discharges
Apr-19	22
May-19	26
Jun-19	18
Jul-19	21
Aug-19	19
Sep-19	23
Oct-19	20
Nov-19	26
Dec-19	26
Jan-20	30
Feb-20	22
Mar-20	38

Data Source: Hospital Patient Administration System (TrakCare, Report ATD5L)

b) The first patient recorded on Plemont Ward was admitted in July 2020. The period from 1 July 2020 to 30 June 2021 has therefore been used, noting that the first discharge was in August 2020. Not every patient is recorded in the specialty of Rehabilitation. Table 2 below shows the count of *all** patients discharged from Plemont Ward per month.

Table 2: Number of patients discharged from Plemont Ward, July 2020 – June 2021

Discharge Month	Number of discharges
Aug-20	10
Sep-20	21
Oct-20	27
Nov-20	10
Dec-20	26
Jan-21	28
Feb-21	23
Mar-21	21
Apr-21	20
May-21	8
Jun-21	15

Data Source: Hospital Patient Administration System (TrakCare, Report ATD5L)

*It should be noted as in part (a) that not all patients discharged from Plemont Ward were admitted for rehabilitation. To maintain the comparability, the data in Table 2 includes all patients discharged from Plemont Ward, irrespective of the specialty they are recorded in.

c) The question has been interpreted as referring to care packages provided under the long-term care scheme. Of the 209 unique patients discharged between July 2020 and June 2021 (excluding patients who died in Hospital), 109 have been recorded as having new or revised long-term care packages since the date of admission (at any point up to 30th November 2021), of which 75 were within 30 days of discharge.

It should be noted that rehabilitation covers a wide variety of conditions and not all patients will require support under the long-term care scheme. Some patients may also have already had a package of care in place when admitted. Please note that not all patients discharged from Plemont Ward were admitted for rehabilitation.

d) Table 3 shows the count of appointments/contacts recorded for patients discharged from Plemont Ward and is split based on whether the contact occurred during their inpatient stay or after discharge. Please note that much of the inpatient activity that occurs on the ward will be recorded in the patient's bedside notes and therefore may not be in the Electronic Patient Record where these figures are drawn from – the figures for the inpatient part of the care will therefore be undercounted.

‘Contact’ data is defined as telephone contacts as well as face to face contacts with the patient and may not be related to the reason for admission. It is not possible to extrapolate information from this relating to inpatient stay to community follow-up pathways as these are not held within a single system.

Table 3: Number of contacts by therapists to patients admitted to/discharged from Plemont Ward, by month of contact and therapist type, July 2020 – June 2021

Month of contact	During Inpatient Stay			After Discharge from Plemont Ward		
	Occupational Therapy	Physiotherapy	Speech & Language Therapy	Occupational Therapy	Physiotherapy	Speech & Language Therapy
Jul-20	8	2	58	N/A (No Discharged Pts)	N/A	N/A
Aug-20	52	6	60	7	16	0
Sep-20	113	9	51	57	113	15
Oct-20	99	10	69	81	189	24
Nov-20	192	0	29	112	199	19
Dec-20	222	6	46	120	174	10
Jan-21	246	21	56	220	251	39
Feb-21	262	16	52	172	214	39
Mar-21	259	24	85	193	345	41
Apr-21	203	22	34	123	308	54
May-21	162	17	21	115	229	39
Jun-21	109	13	9	129	203	23

Data Sources: Hospital Patient Administration System (TrakCare, Reports ATD5L, BKG1A); Community Electronic Client Record (CarePartner, Activity Report)

Therapy services have recently been defined as a Care Group within HCS and a structured cycle of review and development has commenced, continuing into 2022. This includes the review of performance indicators and development of integrated therapies pathways. Focus is being given to systems capturing key data across Therapies to enable efficient reporting to support service delivery. This work has commenced and is planned for completion within the first quarter of 2022.

e) Due to limitations in recording, we are not able to identify whether appointments/contacts occurred in the patient’s home or in an alternative setting, such as an outpatient appointment.

3. Oral Questions

3.1 Deputy I. Gardiner of St. Helier of the Minister for Infrastructure regarding damage to the Energy for Waste plant (OQ.4/2022)

Will the Minister provide an update in relation to any recent damage to the Energy from Waste plant, including the costs of any required repairs to date and the projected date by which such repairs will be completed?

Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):

Hairline cracks were found on the turbine generator during a routine service and inspection. In order to ensure that these cracks do not develop any further, and to ensure the safety of the staff and plant, the generator has been taken offline. The root cause of the cracks is not yet known. An independent turbine specialist has been contacted to assess the problem and advise on a solution. We will only be able to estimate the cost and time required to make repairs once the turbine specialist has completed their assessment.

3.1.1 Deputy I. Gardiner:

When thinking about an 11 year-old waste plant, is it something to be expected, and also would the Minister clarify the timeline for an inspector to come over and to assess?

Deputy K.C. Lewis:

As the Deputy quite rightly says, the plant has been running successfully for over 10 years without any major problems with the generating system. It was during a routine shutdown these cracks were spotted. They are hairline cracks and barely visible to the naked eye but they are there. During the routine shutdown, a specialist team were inspecting the plant as a routine inspection and these cracks were found. We do have some forensic inspectors, if you like, who will examine the minutiae of the generators coming over either this week or next week to give us the all clear, hopefully.

3.1.2 Deputy R.J. Ward of St. Helier:

May I ask the Minister what funds the repairs will come out of, the cost of the repairs will come out of please?

Deputy K.C. Lewis:

We do have a special fund for the Energy from Waste plant that will come out of our reserves there. Once the forensic inspectors have had a look then they will give us either the go or no-go on that. It is a matter of safety for the team down at the Energy from Waste plant. We have had a provisional okay to start up but it will be at our own risk. Obviously staff safety is paramount and we need to get the official all clear from the forensic inspectors, which will also obviously give comfort to our insurers.

3.1.3 Deputy R.J. Ward:

I think only the first part of that answered the question. Can the Minister confirm what this special fund is, and also to ask him whether it would be better to spend such money on modern technology that is less polluting rather than old increasingly redundant technology and make a step forward for this Island rather than just making yet another step backward?

Deputy K.C. Lewis:

I would disagree with the Deputy. This Energy from Waste plant has won European awards for the way it handles waste. It is an Energy from Waste plant. It burns waste and it generates the power, it generates electricity, which feeds straight into the Jersey Electricity Company, hence the expression "energy from waste". Plus the emissions from the chimney, which we share with the J.E.C. (Jersey Electricity Company), are cleaned prior to any smoke or any emissions emitted into the atmosphere.

[9:45]

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

Would the Minister confirm whether the return received from the Jersey Electricity Company for electricity generated covers the cost of repairs to the turbine?

Deputy K.C. Lewis:

It will do eventually. Obviously we are not receiving any returns at the moment because the generating system is offline. It was designed to run as a complete unit but the generating section has been taken offline so it is basically running as an incinerator until such time as we can restart the generator.

3.1.5 The Connétable of St. Brelade:

It seems to me that the question I am asking - clearly we are not generating at the moment so there will not be a return - but in the contract with the J.E.C. is there provision for repairs and are they paid for by the Government or are they covered by the J.E.C.?

Deputy K.C. Lewis:

We have a running repair and maintenance fund. We are not sure of the exact cost yet until such time as these forensic inspectors come over. If they say we can restart then we can restart. If there are major repairs needed then that would be a different matter. We may need some new turbine blades, which are not cheap, and they would have to be ordered. That would take some time to arrive. We are keeping a watching brief on that.

3.1.6 Deputy M. Tadier of St. Brelade:

In terms of any damage that is caused to the waste plant by objects that are put into the waste stream that should not be, such as glass and metals, can the Minister tell us to what extent that is a problem and to what extent he thinks it causes damage?

Deputy K.C. Lewis:

Basically at the other end of the plant, not concerning the generating system, but in the actual burners themselves there is an ongoing problem with glass, not so metals, which can be removed. All but one of the Parishes now have glass collections and recycling, which is eliminating a lot of the glass that was previously going through the Energy from Waste plant. I have been in the tipping bunker when the various Parish refuse trucks have come in and you can hear the thud-thud as the black bags come out of the back of wagons and poured into the bunker and now and again you can hear the chink-chink of people who are being very naughty and putting glass in with their general refuse. I mean even if your particular Parish does not have glass collections there are glass collection bins around the Island for use. Because once the glass goes into the system it does melt and cover the moving grate on the bottom, which conveys the refuse forward. That is part of the clean-up process. We have planned shutdowns. We have basically 2 burning streams and one is often shut down for cleaning. Somebody literally has to go in there and chip away at the glass that has melted on the grate. If at all possible, we like to keep glass and metal out of the system.

3.1.7 Deputy M. Tadier:

Given the fact that glass is so bad and damaging for the system, which presumably has to be paid for by taxpayers, can the Minister explain why there are not any glass bins, in fact, next to ordinary refuse bins, public bins in town and in other public places, so that when a member of the public finds some glass on the floor they have to put it in the main bin or leave it where it is, both of which are not particularly helpful outcomes? Will the Minister address that?

Deputy K.C. Lewis:

It is very difficult. In most recycle centres around the Island there are glass bins. But we rely on people to act responsibly and put the correct item in the correct bin. It is not really feasible to have enormous amounts of bins everywhere because that would look unsightly. We do have some by

certain bays and, as I say, along the recycling centres we do have glass collection. But we rely on people to do the right thing.

3.1.8 Deputy S.G. Luce of St. Martin:

The Energy from Waste plant is almost halfway through its useful life. Has the Minister started considering where the Island goes when this plant is closed? Does it continue with energy from waste or is it to go completely recycling?

Deputy K.C. Lewis:

It is a good question from the Deputy. Nothing has been planned as yet. This is the most efficient way at the moment of getting rid of refuse. We recycle as much as we possibly can but there are items that have to go through the energy from waste plant. And as I say, it does generate electricity and we have an excellent disposal route for the ash.

3.1.9 The Deputy of St. Martin:

Given that the last incinerator went decades over its useful life and was polluting the atmosphere and other things, does the Minister feel that he should be starting this debate now, seeing as it will probably take at least 10, 12, 15 years to get a final decision on which direction the Island takes?

Deputy K.C. Lewis:

Absolutely. I would say 15 years at the top end. But it is a very efficient plant. It runs very well indeed. We get very few problems with it relative to the amount of throughput it does have. A gas cleaning system is the core of the whole system. All gasses are cleaned prior to being emitted to the atmosphere. You cannot see it, you cannot smell it. If you went up to the chimney and put your head down the chimney you could not smell a thing; not recommending you do that. But it is very clean when it comes out. You cannot even see it. It is a very clean system. Until somebody comes up with something better ... we are on an Island 9 by 5 so it is very difficult to have 100 per cent recycling but we do our best.

3.1.10 Deputy I. Gardiner:

The incident happened in November. As a member of the Environment, Health and Infrastructure Scrutiny Panel and as a States Member I have learnt about the cracks in our infrastructure site from the media. Would the Minister commit, going forward, on regular updates of the panel and the States, and obviously the public, about repairs at the Energy from Waste plant and also the progress on Bellozanne, because there are 2 sites currently under consideration?

Deputy K.C. Lewis:

I am not sure where the Deputy is going regarding Bellozanne. I am happy to let States Members know when everything is operational again regarding generators but there is a constant state of repairs going on with water pipes, heating pipes, grate sections; there is constant maintenance going on at the Energy from Waste plant. More than happy to give the Deputy and the entire team at Scrutiny and any States Members a guided tour when everything is up and running.

3.2. Deputy K.G. Pamplin of St. Saviour of the Minister for the Environment regarding the re-introduction of the Regulation of Care (Standards and requirements) (reinstatement of the Covid -19 Modifications) (OQ.8/2022_

Forgive me, my camera does not want to seem to be working this morning, but here I am. Further to the reintroduction of the Regulation of Care (Standards and Requirements) (Reinstatement of COVID-19 Modifications), will the Minister update the Assembly on any work that has been undertaken to understand the impact of this on care homes?

Deputy J.H. Young of St. Brelade (The Minister for the Environment):

The Care Commission assess on a case-by-case basis whether care homes can continue to satisfy the appropriate legal conditions, particularly where staff shortages caused by COVID apply and require them to disapply the statutory requirement for the sufficient number of workers to be skilled and qualified. The Care Commission provides regular updates to me and the Minister for Health and Social Services on the impact of COVID and, so far, I have received 3 such reports of care homes since 14th December concerning staff levels.

3.2.1 Deputy K.G. Pamplin:

I thank the Minister for his answer and his department's answers to my questions a month ago. Will those reports he has just alluded to be released to States Members, especially those in Scrutiny who are reviewing the COVID response, and what are his concerns since these regulations were brought back in place?

Deputy J.H. Young:

A very good question. I have the reports in front of me. I think what I can do now for the Deputy is to summarise those 3 reports without mentioning the homes' names. But as far as whether releasing them beyond that I would need to take advice on that but I will get back to the Deputy. If the Deputy wishes, I will summarise those situations but they are rather different between the 3 care homes.

3.3 Senator T.A. Vallois of the Chair of the States Employment Board regarding policies and investment (OQ.13/2022)

Will the chair advise what policies and investment the States Employment Board, as an employer, is putting in place to support succession planning of current staff and to enable school leavers to join the public sector, in order that the resilience and long-term sustainability of public services and the public sector workforce are maintained?

Senator J.A.N. Le Fondré (Chair, States Employment Board):

A longish answer, I will do it as quick as I can. The people strategy delivery plan details a number of workstreams that are in train including the framework to enable succession planning of current staff and importantly to enable school leavers to join the public sector. Key among those workstreams is the development of a strategic workforce plan, which commenced last year. The strategic workforce planning toolkit includes a succession planning approach which leads to other initiatives to establish internal development and promotional opportunities for current staff as well as the school leavers to become public servants. Other initiatives which tie into those plans include a new apprenticeships first strategy, that means from this month all roles of civil service grade 6 and below will automatically be considered for apprenticeships and those apprentices will be paid in line with the Jersey living wage. School leavers are one of the target groups when recruiting for apprenticeships. All care leavers will be guaranteed an apprenticeship, should they want one, and all successfully completed apprenticeships will be guaranteed a permanent role at the end of the programme. Work has commenced to identify a competitive apprenticeship programme for 2022 and to develop an integrated marketing campaign to inspire more young people to consider the public service. In summary, there is a significant amount of work to do to implement these plans. Once those plans have been implemented the expectations over the next few years is there will be a genuinely sustainable increase in planning development and internal moves for current staff and a higher proportion of school leavers working with the public sector.

3.3.1 Senator T.A. Vallois:

Can I ask the chair whether, as part of the people strategy and the toolkits that have been developed, what discussions or what interaction have the board had with the likes of the Curriculum Council and

Skills Jersey around communicating and advancing encouragement of our younger generation, including graduates, to join the public sector workforce?

Senator J.A.N. Le Fondré:

In terms of the Curriculum Council, I will come back to the Senator on that. In terms of within Skills, as per my expectation and understanding that that is part of the overall programme, whether full discussions have taken place in developing the workforce plans to date or whether it is something in the pipeline, I am unclear. But my full expectation is that certainly Skills will be heavily involved in this because it directly ties to it.

3.3.2 Deputy K.F. Morel of St. Lawrence:

In his answer the Chief Minister spoke a lot about apprenticeships, which was really good to hear, but could he also explain what investments, if any, and what pathways have been created to enable young Islanders to leave school or university and move into management? What kind of management pathways have been created in the civil service for young Islanders?

Senator J.A.N. Le Fondré:

I do not have direct information there, I will come back to the Deputy on that. What I can say is that we have been running an internship programme, which does relate to graduates, and therefore it is my assumption that basically it would turn to more senior levels obviously over time. That internship programme was definitely running last year. I do not have the number immediately to hand but, from memory, it was either somewhere around 20 or 14 internships during the course of last year. It was a good news story because it was again an improvement in trying to, if you like, grow our own. I will get some further facts on that for the Deputy and Members in due course.

3.3.3 Deputy K.F. Morel:

I thank the Chief Minister for his answer. Could the Chief Minister advise the Assembly as to whether it is the aim of the current Government to ensure that public service or jobs in the public service are seen as an aspiration and ambition for young Islanders?

[10:00]

Senator J.A.N. Le Fondré:

The logical answer to that is of course, and the reason I say that is because, as we have said, we have been trying to do a major change in culture within the organisation. There are a whole range of things, whether it is diversity or whether it is the “I Will” campaign, all those type of areas. It is about making us a go to employer and therefore that is part of, as it were, growing our own. Therefore that means bringing people in from the school leaver, from the graduate age, into the organisation, growing our own so they can develop and progress with a proper career structure, all those type of things that you would expect from a modern organisation. As we said, and as we know, we have had to go through a lot of change and continue to go through a lot of change to change that culture in the organisation to bring it into something that everyone would expect it to be, fit for the 21st century. We are midway through that process. There is always further to go but the principle that the Deputy is alluding to is absolutely what we are trying to achieve.

3.3.4 Senator T.A. Vallois:

I am grateful for the chair’s answers with regard to this question. Would the chair commit to providing a specific update in the States Employment Board’s annual report on the success of whether that is the new apprenticeship schemes, the grade 6 and below, whether that is graduate internships and management leadership inclusion for the public sector and any gaps in that analysis that may

require further changes to education or policy or changes to training initiatives in the public sector workforce?

Senator J.A.N. Le Fondré:

The short answer is yes. It is eminently logical ... the reason I am pausing is we went through the framework for the next annual report at the last meeting. I am trying to remember if it is already in there. But if it is not, absolutely.

3.4 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding Living Wage employers (OQ.2/2022)

Further to the adoption of P.122/2017 in February 2018, will the Minister update the Assembly on what progress, if any, has been made by States-owned bodies in seeking official accreditation as living wage employers?"

Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):

P.122/2017 requested the Minister for Treasury and Resources, as shareholder representative, to urge those incorporated bodies, of which the States of Jersey is sole shareholder, to seek accreditation as living wage employers. Firstly, I can confirm that all employees of the wholly-owned States entities are paid the living wage level and many of them above. Jersey Telecom and the States of Jersey Development Company are officially accredited with living wage employers, and Ports of Jersey and Andium Homes are working towards obtaining their accreditation in 2022.

3.4.1 Senator S.Y. Mézec:

I am pleased to hear of those that are seeking accreditation this year. Does the Minister have any indications on the impact this has had on those bodies in terms of ... I am thinking in particular of cleaning contracts and things like that. Has she received any feedback about any difficulties that those States-owned bodies are facing or does she anticipate that the journey to accreditation will be smooth for them?

Deputy S.J. Pinel:

It is a 2-part question, I will try to answer the Senator. Part of the original proposition refers to ensuring wage rates offered by contractors are taken into consideration in the evaluation of tenders for goods and services. I am sure that this is a consideration in the States-owned entities procurement process while ensuring that tendering delivers best value in terms of costs and services. Does that answer the question?

3.4.2 Deputy R.J. Ward:

How many contracts from States-owned bodies of this type have been renewed this term? Can we get some idea of the quantity that we are dealing with here?

Deputy S.J. Pinel:

The contracts and evaluating tenders issued by the States of Jersey departments and other bodies is overseen by Treasury and Exchequer but the States-owned entities undertake their own procurement activity, so I do not have the total numbers with me.

3.4.3 Deputy R.J. Ward:

Would the Minister agree that that would be the time to ensure that those, if you like, subcontracts to suppliers are also part of the living wage process so that we are not having an avoidance of paying the living wage by the back door through subcontracts?

Deputy S.J. Pinel:

I understand that and I think the States-owned entities understand that as well, which is why their tenders and procurement activities are very well-considered.

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

Could the Minister take this answer a stage further and state how many outsourced services have been offered, have been renegotiated in the last couple of years, and have those contracts been supervised in terms of a living wage?

Deputy S.J. Pinel:

I think that is similar to Deputy Ward's question. This is a matter for the States-owned entities and I will try to ascertain the figures for both Deputies but, as I say, it is not something I would have to hand.

3.5 Senator K.L. Moore of the Minister for Health and Social Services regarding spinal cord injury patients (OQ.16//2022)

Will the Minister advise the Assembly how many spinal cord injury patients there are in the Island, whether they have to travel off-Island to see a specialist and, if so, why?

Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):

The total number of identified spinal cord injury patients is 27. They all have a range of levels of injury. Due to the small number of patients and the need for highly specialist input in the acute phase, and for patients who require ongoing invasive ventilation, these patients are supported off-Island in the specialist unit? Once patients are stabilised from the acute phase of injury they are returned to Jersey where their rehabilitation needs are met on-Island. Patients with a spinal cord injury work with our team of health professionals and have a tailored rehabilitation programme to continue their recovery and maximise their independence and abilities.

3.5.1 Senator K.L. Moore:

For ongoing treatment that is often necessary after the rehabilitation process what consideration has the Minister given to bringing over specialist support for those patients rather than necessitating their journey to the United Kingdom for ongoing checks and treatment given the mobility issues?

The Deputy of St. Ouen:

We are planning this year to introduce an annual review with a specialist consultant from outside the Island, for one of those specialist units in the U.K. (United Kingdom), and that review could either take place by the specialist coming to the Island or virtually, so that will be worked through over this coming year.

3.6 Deputy K.F. Morel of the Minister for Home Affairs regarding violent crimes (OQ.14/2022)

Since 2020, what proportion of violent crimes have been committed by men against women, and what initiatives are in place to reduce the number of such crimes and to ensure women feel safe in Jersey?

Deputy G.C. Guida of St. Lawrence (The Minister for Home Affairs):

In 2020, 22 per cent of all assaults, 16 per cent of all serious violence and 20 per cent of all violent crime were perpetrated by a male suspect against a female victim. In 2021, 20 per cent of all assaults, 21 per cent of all serious violence and 20 per cent of violent crime were perpetrated by a male suspect against a female victim. These figures change dramatically when you look at sexual crime. We come up to 67 per cent of female victims and 88 per cent in 2021. If you look at domestic violence the figures, again, change dramatically, 73 per cent of victims of domestic abuse are female. If you limit

those figures again to domestic violence and sexual offences, we are talking about 93 per cent; so 93 per cent of victims of sexual offences in a domestic setting are female. A number of initiatives are currently in place or in the process of launching. This includes a taskforce on improving women's safety, as agreed in the Government Plan. We are lodging the new domestic abuse law, which will be debated in March. We are investing in support services, including the Sexual Assault Referral Centre and, for those who are listening to this, this is a very, very important first step in any case of domestic abuse or sexual violence. I am even going to give the number again, 01 ...

The Bailiff:

Minister, I am sure the number can be published but we have reached now 2 minutes and 17 seconds against one minute and 30 seconds, which is the norm for allowing for an answer.

Deputy G.C. Guida:

I am sure the following questions will allow me to elaborate.

The Bailiff:

I am sure they will, yes.

3.6.1 Deputy K.F. Morel:

A 2-part supplemental question. One would be to ask what the appropriate telephone number is for the Sexual Assault Referral Centre? Also, could the Minister advise the Assembly as to how well the authorities and various services have progressed in reducing the incidence of violence by men against women in the last few years?

Deputy G.C. Guida:

The telephone number to the S.A.R.C. (Sexual Assault Referral Centre), which, again, I really must insist on this, it is the first port of call; it is totally, totally geared towards violence against women, towards domestic abuse. You have access to all sorts of services, including independent sexual violence advisers, you are followed and helped all the time. It is really, really important and it is a phone call any time of the day, any day of the week; 01534888222. I really recommend that anybody who needs help calls them, it will be provided. The second question is the progress. It seems that domestic violence has come down a little bit in the last 3 years but of course the very big problem with both sexual violence and domestic violence is the detection rate; is how many cases come to the knowledge of the authorities and how many cases can be pursued. Again, there should not be a barrier to declaring an instance of domestic violence or declaring an instance of sexual violence. Come forward, you will be helped.

The Bailiff:

Very well. I have listed to ask questions here Deputy Higgins, the Connétable of St. Brelade, Deputy Doublet, Deputy Perchard, Deputy Ward and then there will be a final supplementary. May I remind Members that this Minister is facing a period of questions without notice and, therefore, this subject can be explored rather more at length later on? I will allow those questions because I have noted them but I will not allow any more and will be significantly over the time.

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

As very often there is a link between harassment and violence against women, how seriously does he feel that the police are taking harassment cases?

Deputy G.C. Guida:

The only thing I can say is very seriously. We take all cases seriously. There is no limitation to what you can come and complain about to the police and it will be investigated.

[10:15]

3.6.3 Deputy M.R. Higgins:

I am afraid the experience that I and other Deputies have had representing some women who have been harassed has not been that positive by the States of Jersey Police. As the Police Complaints Board is totally ineffective, what action will the Minister take to ensure that harassment cases are properly dealt with?

Deputy G.C. Guida:

The regulations and laws governing the work of the Police Complaints Authority have changed recently and it has been given much more powers. It can now follow in direct investigations, rather than just examining them when they are finished, so that is very, very important. There is no policy that says that we should not follow harassment, that harassment is a lesser crime. Again, these should be investigated fully.

3.6.4 The Connétable of St. Brelade:

Would the Minister be aware in the statistics he quoted what proportion are related to drink or alcohol?

Deputy G.C. Guida:

I apologise, I do not have a figure but from experience I know that is pretty high; alcohol is a major, major issue in domestic violence. It is known it is a problem.

3.6.5 The Connétable of St. Brelade:

Please would the Minister support a revision to the licensing laws?

Deputy G.C. Guida:

I think we need to have a drug and alcohol strategy for the Island. We used to, it was suspended for a few years but we are restarting it. Health hired a person to take care of the drug and alcohol strategy and that is definitely a job for them, where we need to go somewhere with this and not just let it happen.

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

The Minister quoted figures on violent crime and then he went on to quote figures on domestic violence. Were these figures on domestic violence included in the initial figures on violent crime, please?

Deputy G.C. Guida:

Yes, indeed, we are talking about all crime, so the original figures are for all crime. I mentioned assaults and serious violence; yes, the domestic abuse figures are quoted within those.

3.6.7 Deputy L.M.C. Doublet:

Could the Minister please circulate these figures to Members, please?

Deputy G.C. Guida:

Absolutely, yes.

3.6.8 Deputy J.H. Perchard of St. Saviour:

Given that so much violence against women is carried out by male perpetrators, what plans are in place to undertake preventative and rehabilitative measures targeting male perpetrators of violence?

Deputy G.C. Guida:

I think this is quite important. Thanks to the Constable of St. Martin we now have a budget to do 2 very important things, and the first one is something that was really needed in Jersey to call for evidence. But we are going to work on knowing exactly where the problem is in Jersey and whether it is different from any other jurisdiction. The other part of this is to create a taskforce to which, of course, Members of the Assembly will be invited and that will define what we can do to help, according to the results of the survey. However, we have not waited for that. The U.K., for example, has done its call for evidence a year ago and created a Violence Against Women and Girls delivery plan; it is published by the National Police Chiefs' Council. We completely agree with their recommendations and it is definitely something that we want to do. It looks at 3 paths. One of them is creating safe space for women. The other one is to relentlessly pursue perpetrators, and I think that is very, very important and probably the most difficult thing. But the third one is quite interesting. That it was found as one of the most important parts, is rehabilitation is working on offenders. We know that perpetrators of sexual violence are a small group of repeat offenders and it is quite clear that working on them is going to be a very large part of the solution.

3.6.9 Deputy J.H. Perchard:

Thank you to the Minister for outlining his plans. Are there currently any programmes in place that are aimed at preventing or rehabilitating male perpetrators of violent or sexual crimes against women?

Deputy G.C. Guida:

Sorry, I did not catch that.

The Bailiff:

Are there any such programmes currently in place?

Deputy G.C. Guida:

We have a rape and serious sexual offences action plan for 2022, which exists; it is something that is already done. Of course, that is the 2022 one, there was a 2021 one. I was asked once by a journalist when we published the crime figures in Jersey, which are quite good compared to anywhere else in the world: "That is it, are you happy with that?" I said: "No, the only thing that the police would be happy with is zero crime. That is not a level at which we say that is fine, we can go on holiday. We want zero crime." Certainly as far as violence against women and girls is concerned we want none of it, that is our rule.

3.6.10 Deputy R.J. Ward:

Does the Minister feel that the balance between the actions that women have to take to prevent attacks is balanced with the actions that men should be taking who perpetrate those crimes? Does he see that that attitude needs to be addressed urgently in order to stop these crimes happening, rather than asking women yet again to take more action to protect themselves?

Deputy G.C. Guida:

I am sorry, I am trying to understand the question. Women should not be a victim, there is nothing that defines a woman as a victim and certainly we would not ask them to behave differently, to not be a victim; that makes very, very little sense, however, there are predators out there. Nobody in this Assembly, I guess - and it would be interesting to hear otherwise - leaves their front door open. I am not just saying unlocked but open. They know that there are very, very few people in the Island who would take advantage of that. Everybody needs to think about their own safety, however, we should not make females victims; they should not be natural victims. The notion of that is completely

abhorrent, it should not be right that a female would feel herself as a natural victim. I cannot understand that and certainly it is nowhere where we can stop. Was that the question?

The Bailiff:

Could you bring that answer to a close, please, Minister? Once again we have passed the one minute 30 seconds. Do you have a supplementary question, Deputy Ward?

3.6.11 Deputy R.J. Ward:

Yes, Sir. It was not quite the question I was asking, let me put it in this way. Could I ask the Minister, does he feel that more work should be done with men, right from the beginning of their education in schools because of their attitudes to women, as a matter of urgency, so that we can address the attitudes that create offenders early on? I think that is probably a better wording of the question.

Deputy G.C. Guida:

Yes, thank you very much and much more understandable for me. Definitely. We do know that we have a general cultural problem and that must be worked on, so absolutely. Certainly the one that is extremely important for me because it is the key to court cases, it is a notion of consent. Consent is absolutely paramount and it is something that we really, really need to teach and bring in at a very, very early age.

3.6.12 Deputy K.F. Morel:

I thank the Minister for his answers to all of the questions. In the Minister's own estimation, would he say that women can feel safe in Jersey, particularly when out and about?

Deputy G.C. Guida:

I would say, yes. We have a lower level of crime than most places in the world, so Jersey is, in general, a safe place; 50 per cent of violence against a person is domestic abuse related and I think that is definitely a problem that we need to address. It seems to be still lower in Jersey than it is, for example, in the U.K. but we know that there is so little detection of cases; that it is definitely something we will need to work on. The new law will be an extremely good start for this because we have a proper and modern definition of domestic abuse and I really hope we can work on this.

The Bailiff:

Thank you very much, Minister. It is a little bit before 10.30 a.m. when the Assembly is to adjourn. I propose, therefore, to adjourn now and to resume again at 2.15 p.m.

[10:26]

ADJOURNMENT

[14:16]

3.7 Deputy J.M. Maçon of St. Saviour of the Chair of the Privileges and Procedures Committee regarding a progress update in relation to the implementation of Part (a) of P.118/2019, as amended (OQ.12/2022)

Will the chair provide an update on the progress made in relation to implementing part (a) of my proposition, Diversity Working Group, P.118/2019, as amended?

Deputy C.S. Alves of St. Helier (Chair, Privileges and Procedures Committee):

The Diversity Forum has taken forward work on how to improve the diversity of the boards of arm's length bodies and other States-funded organisations, with staff from the Greffe and the Chief Operating Office both involved. A paper on current practice in Jersey and international best practice

has been submitted to the Diversity Forum and I expect P.P.C. (Privileges and Procedures Committee) to present a report on the matter shortly.

3.7.1 Deputy J.M. Maçon:

I wonder if the chair is able to indicate roughly when that report will be produced. Will it be before the election and are there going to be some concrete recommendations in that report?

Deputy C.S. Alves:

Yes, the report has already been produced. It is just there have been a number of meetings, unfortunately, that have been cancelled with the Diversity Forum due to issues with quorum and sickness. The reports have been issued, it is currently with the Diversity Forum and it should be coming to P.P.C. very shortly; it will definitely be before the election.

3.8 Deputy J.H. Perchard of the Minister for Housing and Communities regarding Islanders considered homeless (OQ.17/2022)

Will the Minister advise the Assembly how many Islanders were considered homeless, according to the Government's current categorisation, as at the end of 2021, specifying how many were in the age brackets of 16 to 24, 25 to 39, 40 to 64 and 65 and above?

Deputy R. Labey of St. Helier (The Minister for Housing and Communities):

The current situation as of yesterday is that we have 2 Islanders who we would classify as roofless. There is capacity in our facilities for temporary accommodation. The Housing Advice Service has been running since July and in that time it dealt with 53 referrals, all of whom were offered accommodation. The Shelter Trust currently is looking after 101 clients. As I say, they do still have capacity. Of those, approximately 20 per cent are between the ages of 17 and 25 and the rest are above that age. I know that is not exactly in the way that the Deputy wanted that information. I do not have that in that format but I hope that is helpful.

Deputy J.H. Perchard:

Yes, Sir.

The Bailiff:

You have gone quiet, Deputy, we cannot hear you. Deputy Perchard, are you able to hear us? I think someone has touched the machine at the back or something and we seem to have gone ... We cannot hear Deputy Perchard here. I think we can hear you now, Deputy. If you would like to ask your supplemental question.

3.8.1 Deputy J.H. Perchard:

Would the Minister be happy to provide those numbers in those brackets or in some form of age bracket that I have outlined? Is this a decrease in the number of people who are considered homeless since 2018? I think the reported number was 346. If it is a decrease, could the Minister outline what has happened between 2018 and now as a result of that decrease in number, which is obviously a positive thing?

Deputy R. Labey:

That was before my time, so I am not sure about that. It is very difficult to provide the statistics in a way that the Deputy wants because it is so fluid. But we have just been holding on since the creation of the Housing Advice Service. We have partnered up with Homeless Link, U.K., who are the equivalent agency in the U.K. and they have been monitoring how we are progressing in moving forward the homelessness strategy. Their audit, effectively, their report and recommendations are going to be with us, I think, this week imminently. It is very possible and we anticipate there might

be the suggestion and how we do it, to gather that information in the way that the Deputy is suggesting, and I will update her on that. It is an aspirational thing and it is something we should move towards. But it has got to be done carefully so that the statistics do paint an accurate picture. The housing strategy and our housing critical support team and the Housing Advice Service is all part of that. The extra funding that we have made available is all helping to try to tackle the homelessness issue. It is very important that we remember “homeless” is a very broad term. We divide it up into 4 categories; roofless, houseless, insecure or inadequate accommodation.

3.8.2 Senator S.Y. Mézec:

Does the Minister have any understanding of a breakdown for the current numbers of homeless people in the Island that he is aware of for their reasoning for being homeless, in that how many of them are there because they have had a problem with employment or how many are there because there is not suitable permanent accommodation elsewhere for them? Does he have an understanding of the reasons why some of those people have faced homelessness?

Deputy R. Labey:

No, I do not have an accurate breakdown of that. I can certainly do some more investigations on that. I think it is important to remember that while it is not as simple as offering somebody accommodation sometimes for some of our clients; that is not going to assist them because they have trouble living independently, that is an issue. What the strategy is all about is finding a pathway out of that and continued support and help.

3.8.3 Senator S.Y. Mézec:

Just on that, does the Minister think that there is at the moment an adequate supply of emergency or temporary housing? He did mention Shelter Trust having capacity, which is good to hear, but does he think that there is any scope for assisting and providing more emergency or temporary housing through some of the stock that is currently owned in one shape or form by the States of Jersey that is not having a lot done with it right now?

Deputy R. Labey:

Yes, and that is coming down the line. In fact the new women-only shelter will open next month, we hope. It is a little bit delayed because of COVID. The Women’s Refuge is moving, courtesy of Andium Homes, and that will increase in size - I think double in size - and release the building that they are in now; that is the Women’s Refuge. We are increasing capacity but we generally find at the moment that we are okay.

3.8.4 Deputy R.J. Ward:

The Minister mentioned 4 categories of homelessness, I was going to ask how they were categorised. Can I ask the Minister with regards those who are in inappropriate accommodation and is there enough information, given that we do not have any sort of register or a licensing system for landlords, for families living in inadequate accommodation, such as sleeping in the lounge while children have the one bedroom that they have? How big an issue does the Minister see this?

Deputy R. Labey:

It is really difficult to quantify because a lot of those issues are hidden issues and do not come to our attention until very often individuals will refer themselves to the Housing Advice Service or very often various agencies will do it on their behalf, and then we can start to collect those figures. I think that is important to do and that is what the Housing Advice Service will be doing; keeping that data on what the prevalent problems are. We should be able to release that information on an annual basis.

3.8.5 Deputy R.J. Ward:

Is it not very difficult to have a strategy to address issues when we do not have that information? Does this not really point to a desperate need for a more licensed approach to housing and homes and accommodation for individuals and families in Jersey?

Deputy R. Labey:

I support the registration of landlords. As the Deputy will probably remember, we are redrafting the entire Residential Tenancy Law. I have just issued instructions for the law drafting of that. In the R.T.L. (Residential Tenancy Law) we are going to include the provision of a register and build it into that law.

3.8.6 Senator T.A. Vallois:

I would like to seek clarity from the Minister on Deputy Perchard's original question. In his categorisation he referred to rooflessness, homelessness and inadequate housing. His answer to the original question was about roofless the number of 2, but the actual question was with regards to homeless. Does the Minister have that particular number?

Deputy R. Labey:

When people use the term "homeless" it is generally in relation to people who are roofless and sleeping rough. In fact we are doing well on that in Jersey in terms of identifying those people, helping them, taking them to G.P.s (general practitioners), taking them to our agencies, trying to get them a pathway into accommodation. Some are offered accommodation but for their own reasons do not take that up but we still look after them and we are in touch with all of them. The other categories ... so that is rooflessness. The others are being houseless, in insecure accommodation or in inadequate accommodation. I gave you the statistics for how many people we are temporarily housing at the moment. As the work of the Housing Advice Service continues, we will continue to gather and note the data.

3.8.7 Senator T.A. Vallois:

I appreciate the clarification from the Minister. I just wonder whether the Minister could advise, without having any form of expensive consultants or forms of other huge reviews that we tend to initiate, what is the Minister's view on appropriate data analysis around the types of numbers and considering it against the Gateway that we have in place with regards to what used to be referred to as social housing, I would suggest that that is not necessarily what we have any longer since the 2013 decision?

Deputy R. Labey:

We do not need to bring in expensive consultants on work in terms of the Housing Advice Service, the critical support team, the homelessness strategy because all of that is being consistently monitored by our partner charity, Homeless Link, U.K.

[14:30]

As I say, their report will be with me imminently, I think this week, with their report and recommendations on how we keep improving, how we use the data, how we gather the data and that is going to be a very definite plus and something we definitely want to do.

3.8.8 Deputy J.H. Perchard:

The Minister in one of his earlier answers stated that about 20 per cent of the current number of homeless people in the younger age bracket are identified - it was the 16 to 24 - meaning some of them are school leavers. What are the most common risks to this age group that exist that might make it more or less likely that they would end up homeless at the ages of 16 to 24?

Deputy R. Labey:

I would not like to speculate on that. There are many different reasons why people, young people as well, find themselves in that kind of circumstance. I think what would be helpful for Members is if I got our Housing Advice team and the critical support leader to update everybody on how we are progressing, and I will organise that briefing. Because I think it would be good for Members to hear from these fantastic officers who are really dedicated and doing superb work in this area.

3.9 Deputy R.J. Ward of the Minister for Health and Social Services regarding Paediatric Inflammatory Multisystem Syndrome (OQ.10/2022)

Will the Minister advise what work, if any, is being undertaken to address the occurrence of Paediatric Inflammatory Multisystem Syndrome as the number of COVID cases rise in children in Jersey?

The Deputy of St. Ouen (The Minister for Health and Social Services):

We know that most children do not become seriously unwell with COVID. Despite increased rates of infection in children, rates of hospital admission in Jersey remains very low. In the U.K. doctors have seen a small number of children and teenagers who develop a rare inflammatory condition linked to the virus referred to in the question, which I will abbreviate to P.I.M.S. (Paediatric Inflammatory Multisystem Syndrome). It remains very rare, it occurs in less than 0.5 per cent of children who have had COVID. Most children with the condition will not be seriously affected but in a very small number of cases it can be serious. The median age of children with P.I.M.S. is 8 years, mostly in the male sex with obesity from black or Asian ethnicities. There are no cases of P.I.M.S. recorded in Jersey to date in the paediatric age group. As to measures to prevent recurrence. Firstly, maintaining low community transmission rates and continued vaccination of children and adolescents reduces the risk. Secondly, public health guidance makes people aware of the signs and symptoms and the importance of timely contact with healthcare workers. Thirdly and lastly, the medical and nursing teams are trained in identifying early signs of P.I.M.S. and diagnosing with tests and executing treatment plans in accordance with established clinical practice.

3.9.1 Deputy R.J. Ward:

I asked the Minister and I was pleased to hear him say that medical teams are already aware and ready to deal with it. But can I ask the Minister for reassurance that, as we have learned in this pandemic being prepared for all situations is so important, can he reassure that that preparedness for this type of condition is there and can we reassure parents that should this very rare occurrence happen there is a plan to deal with it and it is discussed, for example, with the competent authorities Ministers when making decisions over children and COVID?

The Deputy of St. Ouen:

While the competent authorities Ministers have not discussed this particular condition, I do not think we would need to. This is an operational preparedness. I am assured that the medical and nursing teams are trained to identify the early signs. They know how to diagnose with tests and they know what the treatment plans are. There are pathways for treatment that are set by the Royal College of Paediatrics and Child Health, U.K. I have every confidence that our staff know of those and indeed that is what I have been assured of.

3.9.2 Deputy I. Gardiner:

I thank the Minister for his response, it is really reassuring that the medical team is aware and prepared. At the current wave we see it exceeded the number of children with COVID compared to previous waves, would the Minister advise if the parents or basically the general public were made aware about specific symptoms of P.I.M.S. conditions, so parents also can react quicker?

The Deputy of St. Ouen:

Yes, I will pass on that request to see if there is anything more that can be done. I am informed that there has been public health guidance by way of posters. There has been a media briefing by consultant paediatricians on the Government of Jersey website; that was done in the early days of the pandemic to make parents and caregivers aware of the signs and symptoms and importance of timely contact with a healthcare worker. I think what I could do is to make sure that if that was done in the early days, that information is still in the forefront of the website, it is still easily accessible and I will look into that.

3.9.3 Senator T.A. Vallois:

Could I ask the Minister, there are a number of recovery plans from COVID that have been initiated by the Government, what consideration within those COVID plans have been given to this particular condition, if any at all? How would the Minister envisage that being determined in a way of recovery, whether it is over a medium or long-term period?

The Deputy of St. Ouen:

There are various complicating conditions from which children can suffer as a result of COVID. I think the plans address generally the need for children to have the right support and well-being to get them back on track. It addresses educational needs, that in preschool conditions that would address developmental needs. There is not, I believe, a plan for each and every condition that a child might suffer from but drawing them all together they are good plans and good funding to put into ensuring that children can reach their developmental goals and educational goals too.

3.9.4 Senator T.A. Vallois:

Just briefly, in terms of the plans that the Minister referred to, has he taken soundings from the Children's Commissioner with regards to United Nations Convention on the Rights of the Child?

The Deputy of St. Ouen:

I know the Children's Commissioner has been involved and consulted in putting together those plans that have come forward as a result of the release of fiscal stimulus monies and the developmental plans to try and address the very real risks that we know children have incurred during this period of the pandemic.

3.9.5 Deputy R.J. Ward:

We are very pleased that this is a very rare condition but would the Minister agree that as numbers increase in children we have to have a great deal more awareness and facility to identify this condition, it is something we might be living with into the long term?

The Deputy of St. Ouen:

I would agree with that. We do need to be aware of it and I am confident that our clinicians are aware. I will do what I can to ensure that it achieves the appropriate prominence on our public health guidance.

3.10 Senator S.C. Ferguson of the Chair of the States Employment Board regarding out of hours working practices (OQ.1/2022)

Will the Chair advise whether the States Employment Board agreed any policy to govern contact between senior managers and their direct reports outside of standard working hours and, if so, whether it is considered acceptable for senior managers to initiate such contact in the evening to provide feedback or criticism?

Senator J.A.N. Le Fondré (Chair, States Employment Board):

The vice-chair is taking this question, Sir.

3.10.1 Connétable R.A. Buchanan of St. Ouen (Vice-Chair, States Employment Board - rapporteur):

I am sure the Senator is not going to be surprised by my response as she has already been in touch with officers previously about this case. We have advised her of the States Employment Board's disapproval of the behaviour described in her question. Across the range of public service we have committed public servants who work a range of different working patterns to enable services to be delivered. Contact from senior managers outside agreed working patterns to provide feedback, as described in the question, is - and I stress- absolutely not acceptable and should not be happening. Our general advice where an occurrence such as this happens is that the staff member should initially try to resolve this informally but if that is not successful then there is sufficient scope within the States Employment Board code of conduct and, potentially, the bullying and harassment policy to provide a firm challenge for this sort of behaviour.

3.10.2 Senator S.C. Ferguson:

What does the S.E.B. (States Employment Board) intend to do to prevent such actions, given that such a complaint, from my experience of workings in the civil service, would result in the bullying of a junior member of staff?

The Connétable of St. Ouen:

As I am sure the Senator is aware, there is sufficient scope within the bullying and harassment policy to resolve the issues, initially informally but if it is not resolved informally then there is scope within the bullying and harassment policy for it to be resolved formally and H.R. (human resources) officers would deal with that.

3.10.3 Deputy R.J. Ward:

Can I ask the Assistant Minister whether this extends his welcome words - he said this approach is not something that should be happening - extends to other areas of public service? For example, in teaching and lecturing, as education has moved into people's homes with people working online, the likelihood of being contacted out of hours has increased. Does he extend that same intention to those areas of work?

The Connétable of St. Ouen:

Yes, I thank the Deputy for his question. I think we all understand that we are living in unusual and strange times and calls on our time come at unusual times. But as a general principle, senior managers or managers should not be harassing staff at unsociable and unreasonable hours to provide the sort of feedback that the Senator described in her question. Yes, the S.E.B. would certainly support staff members that had a problem of that nature.

3.10.4 Deputy R.J. Ward:

I think it is similar to the Senator's question but how is he going to ensure that is not happening, given the pressures that staff are under across our public service?

The Connétable of St. Ouen:

I think, given that this issue has been highlighted to the States Employment Board, I have already asked officers to draft a note outlining that this sort of issue should not occur and that senior managers should have respect to more junior members of staff at private time and home time and that will be going out shortly.

3.10.5 Senator T.A. Vallois:

Can I ask the vice-chair how the States Employment Board determine whether the policies that he has referred to are being carried out in the spirit and the actual expectations of the States Employment Board, in that the culture required to ensure that this type of thing does not continue to happen, is kept up as expectations of that board that have agreed the policies?

The Connétable of St. Ouen:

It is a difficult question to answer but normally we would initially expect to receive the sort of feedback that we have received from Senator Ferguson, which initially would raise concerns along these lines. But more formally we use, as the Senator knows, staff surveys to try and gauge staff reaction to their working conditions and we would use that as a feedback mechanism.

[14:45]

But certainly we would expect to get feedback through managers that this sort of problem is happening and as such we would take action to stop it.

3.10.6 Senator T.A. Vallois:

Can I ask the vice-chair whether they are satisfied that the customer feedback or the complaints mechanisms that are in place at present are sufficient to ensure that the culture that is being expected to be played out in the public sector is the one that is expected by the States Employment Board?

The Connétable of St. Ouen:

I will respond rather unusually to the Senator and say that we are never complacent about the policies we have in place and we are always alive and alert to feedback we receive from the staff, especially where that indicates that the intention of the States Employment Board in this respect is not taking place. Yes, the policies we have in place seem to be working but that does not mean to say that if it is demonstrated to us that it is not working we were not going to do something about it.

3.10.7 Deputy M. Tadier:

Does the chair agree that it is not necessarily a problem if emails are received from managers after working hours but it is also the expectation about whether or not somebody can be expected to respond or work after hours because of an email being sent? Is that his understanding of things?

The Connétable of St. Ouen:

I thank the Deputy for his question and that would be my understanding. As always in these situations it is about reasonableness. We are very lucky in the States that we have a very dedicated, loyal and a workforce that goes well above and beyond at times to achieve their aims. But that does not mean to say that managers should take advantage of that and should play on a staff member's good nature. If that happens then we will take action.

3.10.8 Senator S.C. Ferguson:

In the private sector, as the vice-chair knows, managers are in fact sacked if they behave like this. Will the vice-chair come back to the Assembly to report on how S.E.B. will make senior managers understand that such behaviour is indefensible and will result in a warning on the personnel file?

The Connétable of St. Ouen:

Yes, I can respond to that question and I thank the Senator for her questions, and I can respond immediately. As I have already indicated, we will be sending out a reminder to managers exactly along the lines that the Senator lays out because it is not acceptable and it is playing on loyal staff members' good nature to do this sort of thing.

3.11 Deputy M.R. Higgins of the Minister for the Environment regarding the Norfolk Police Investigation (OQ.6//2022)

Will the Minister advise Members what, if anything, he has learnt from the Norfolk Police investigation into his department and explain whether he considers it necessary to take any action to ensure the public has confidence and faith in the department going forward?

Deputy J.H. Young (The Minister for the Environment):

The 3½-year independent police investigation, as the Deputy knows, was in respect of historic cases. In the intervening 14 years the planning system has had many substantive changes and improvements. The department has an ongoing improvement programme with recommendations, which come from the regular external reviews. It is my intention to publish a report on this implementation programme, the changes made I have mentioned and those in the pipeline because there certainly needs to be a process to continue improvements. However, the publication of that report will need to wait a while because, as the Deputy knows, one of the complainants in the matter investigating the Norfolk Police did lodge a civil claim, which was previously stayed until that stay was lifted by the Royal Court this week. There is an active there for a piece of live litigation, which means that I am restricted in what I say about that matter but it is my intention, as I have said, to publish that report.

3.11.1 Deputy M.R. Higgins:

The Norfolk Police have stated that although their investigation did not meet the very high criminal standard of beyond all reasonable doubt, required by a criminal prosecution, it did say that the department was massively inconsistent, dysfunctional and not fit for purpose. They also stated that one officer wilfully lied to the court as a prosecution witness. Surely any lies told in court taint the evidence of all officers giving evidence and the case as a whole and reflect badly on the public service. Would the Minister accept that no officer should lie in court and state what action, if any, has been taken against the officer who wilfully lied under oath in the court and was still working in the department?

Deputy J.H. Young:

I think the Deputy's supplementary question seems to re-run the entire inquiry, repeating many allegations which were made in the court. As the Deputy knows, he and I both had a briefing from the 3 police officers concerned and the stakeholders and there were allegations of perjury and misconduct in public office, which the investigation has concluded no foundation sufficient for a prosecution, so they were not upheld. I think that is very, very important. Of course it is absolutely right that the planning system, the integrity of everybody is above question. There is no question that those are the standards we aspire for. But of course the planning system is not perfect, it involves judgment, as the Deputy knows, and there is always that subjectivity in that and individuals are going to differ. Personally, frankly, I think that each of the police officers did of course a bit, they are not experts in the planning system. At the moment I would rely upon judgment of those that are in this matter. As I said, I will be publishing a report on that.

Deputy M.R. Higgins:

Sir, the Minister did not answer the question.

The Bailiff:

You will have a further supplemental at the end. You have a further supplemental at the end, Deputy Higgins. You can come back and explore the answer in greater detail.

3.11.2 Deputy M. Tadier:

I believe the Norfolk Police also said that there were a number of issues relevant to the implementation of planning legislation during the time period they were investigating, including questionable processes, procedure and conduct of individuals. What action will be taken to rectify the issues described?

Deputy J.H. Young:

I have of course had to because those comments were made at the briefing. As I said, I have got my reservations about them because obviously the police investigation was a criminal one. It was not run by those who had an understanding of the planning system. But, nonetheless, I have written to the chair of the States Employment Board and invited him to discuss the report that they have heard. I have also had a chance to talk to the director general of the department about the matter and I have subsequently written to further and I said my opinion is that I do not think that since these matters are historic and that a number of the staff who were named who are no longer employed, that I do not consider there is a case for further investigation of any disciplinary matter but, nonetheless, that is how things lie.

3.11.3 Deputy M. Tadier:

Will the Minister agree to review the planning decisions taken by his officers following the statement of the Norfolk Police?

Deputy J.H. Young:

I think what would ...

Deputy M. Tadier:

Sir, I have not finished my question yet.

Deputy J.H. Young:

Sorry, my apologies.

The Bailiff:

Yes, let us wait for the Deputy to finish his question.

Deputy M. Tadier:

Sorry, apologies, it may be a delay and that is not helping. Will the Minister agree to review the planning decisions taken by his officers and also the statement that different officers were applying the same rules differently, which has led to some people being denied planning permission for which other people were granted planning permission?

Deputy J.H. Young:

I think the premise of the Deputy's question in that final sentence I could not accept, that, therefore, there was differentiating treatment under law. I do not believe there was any evidence to suggest that was the case. There were in fact different judgments of how planning policies would be applied, which in my experience is a normal characteristic of a planning system; it requires judgment, as I said. It is not a simple one way or the other. I do not believe there is any evidence or suggestion of contravening the law but, nonetheless, there are improvements which need to be made. Therefore, I said I shall be publishing the report of that programme that is in place to try and do that. I think that is the best answer I can give at the moment.

3.11.4 Deputy K.F. Morel:

In his answer to Deputy Higgins the Minister mentioned the importance of integrity in the planning system. Does the Minister believe, following things such as the Norfolk investigation and other

concerns, that individual members of the Island have raised particular issues and complaints about the system, does he believe that Islanders feel that the planning system has integrity?

Deputy J.H. Young:

I think with any planning system it relies on public confidence in it. Deputy Higgins, of course, he is absolutely entitled to do this, has been very clear and I believe there were, I think, 15 complainants, and I think Deputy Higgins represented them. There has been a 3½-year in-depth investigation involving interviews and so on. My reluctance to concede any things that require further investigation is because simply we would be repeating the same. Thousands of planning decisions are made and of course he is entirely happy for any of these matters for people to come with new applications which the planning system will do. Yes, I want to keep the confidence. If I felt that I lacked that confidence I would say so; I do not. I have confidence in the officers that are currently in place and also the system changes that have been introduced to improve them. But it is not better.

3.11.5 Deputy K.F. Morel:

Does the Minister believe that a lack of planning officers and planning enforcement officers is eroding the faith of Islanders in the planning system?

Deputy J.H. Young:

Certainly, the issue of enforcement has been a problem area. Historically, there were complaints, and I think these have been upheld, about very heavy-handed processes done by previous enforcement officers who are no longer employed by the Government. New rules and standards and different training has been introduced for people now who do that enforcement work, so I feel much more content with that than things that went on in the past that are still subject to the investigation. There has been a shortage of resource. We could do with more planning officers because when people are put under pressure and are carrying twice the workload that normally should be required, it is inevitable that mistakes be made, and I am hopeful now the Government Plan has given us decent resources that can be put right in the improvement plan and that would be our undertaking to do so.

3.11.6 Deputy M.R. Higgins:

I must admit I have been absolutely amazed by the Minister's answers, especially as he has known from the beginning the problems that were going on there and did nothing. Norfolk Police also said there are still current issues regarding people working in the department and 2 of those were interviewed under caution by them as part of their investigation. What is the Minister proposing to do about these problems or does he consider it is no one's fault and no one should be held to account for the failures of the department, which includes, I may add, the chief officer or the Minister himself, who are responsible for the oversight of the department? The Minister had direct knowledge of these problems since 2014, before he became the Minister and had direct contact with the people making the complaints. How he can say this, I find it amazing.

The Bailiff:

The question is the report said this and what will he do about it? Is that right?

Deputy M.R. Higgins:

Certainly the report said the police said one of the officers wilfully lied under oath. It may have not met the test of perjury but they wilfully lied under oath. What will he do about that person and who will take responsibility for this fiasco?

Deputy J.H. Young:

What can I say? The Deputy now repeats his allegations, despite the findings of the police inquiry. He says things that have not been substantiated, including he makes allegations against me personally, that I strongly reject and I would need a separate occasion to be able to answer those, not now. Frankly, I am speechless about the way he has approached that. Nonetheless, what will I do? There are improvements. The States Employment Board has the matter on the agenda. I have asked them to discuss it and if the States Employment Board feel there is a case for further disciplinary investigation into these matters that will be looked at, then the board will trigger that. I brought that to their attention.

Deputy M.R. Higgins:

I should like to bring a vote of no confidence—

The Bailiff:

Comment at the end of questions not in accordance with Standing Orders is an abuse of the question system.

[15:00]

3.12 Connétable A.S. Crowcroft of St. Helier of the Minister for the Environment regarding the planning application in respect of the new hospital (OQ.15/2022)

Will the Minister explain how he will ensure the fairness of the planning application process in respect of the new hospital, given the public and statutory consultees are being asked to comment on the application under the provisions of the existing Island Plan, yet the planning inspector has indicated he will assess the application according to the bridging Island Plan to be debated in March?

Deputy J.H. Young (The Minister for the Environment):

Can I refer the Constable to the Solicitor General's answer to Senator Moore's Oral Question 238 this year? The law is quite clear. The planning application should be determined under the Island Plan that is in place at the time of the decision. Obviously, I have had to plan for the planning inquiry of the hospital and the direction I gave to the inspector is that the inquiry should be held on the basis of the bridging Island Plan, if it is approved by the States. The issue of the change of plan is quite a normal matter in planning decisions. For example, if the States approves the Island Plan, as I hope they do, it will affect all other planning applications in the pipeline that have all been made and the Planning Committee on 7th April will be required to make decisions based on that for equally a very short time after the law, as will all planning officers. These questions have been raised, a letter has been written setting out the legal position to those correspondents who have published their letter, explaining that position. The inspector runs the process and the inspector - I feel confident with the brief he has - ensures the facts of the objections that people have made have a proper hearing and there is plenty of time to do that.

The Bailiff:

Can I remind Members that answers should be one minute and 30 seconds? If they stray too much time over that I will inevitably ask them to be cut shorter.

3.12.1 The Connétable of St. Helier:

While I accept the Minister's argument that there are hundreds of applications that will be affected in a similar way, is it not the case that this is such a major project affecting the lives of all Islanders, but in particular thousands of St. Helier residents whose views are being put forward, both individually and by the Parish Roads Committee? Would it not be fairer in terms of the process to remove reference to the new hospital project from the bridging Island Plan so it can be judged in a way that is fair?

Deputy J.H. Young:

I am hopeful the inspector that is responsible for running that process, using the powers he has under the legislation that gives him the control of the procedure entirely and the brief given, would allow that to be so. The reality of the matter is the application has been published since November. The draft bridging Island Plan has been published since last April, so these documents are long in the public domain. The law requires for all material considerations to be taken into account for determination and that is what people who have made objections will put forward to the inspector. I would expect the process to be as fair as it can be.

3.12.2 Deputy I. Gardiner:

As the Minister is always aware, the likelihood of the bridging Island Plan being adopted 3 days before the public inquiry by the inspector will stop. Does the Minister agree with the view expressed in the letter that he has received from the Save Jersey's Heritage that the Government of Jersey is proceeding with insufficient regard to due process and the statutory right of Islanders to play a proper part in an independent public inquiry, in opening itself the challenge by the way of judicial review on the ground that it has adopted a procedure, that could be for the reasons listed above, frustrate the efforts of objectors to secure a fair hearing for the view, and if not, why not?

Deputy J.H. Young:

The letter was received and it is a very important letter from Save Jersey's Heritage. It did make reference to a suggestion, a strong one, about a judicial review. That is why the reply has had to have very careful consideration and had been drafted strictly in accordance with the law. That is a reply that has not been sent by myself but by the officers dealing with the matter. In the end, if the reply is challenged, the proper place to determine whether there is the suggestion the Deputy makes is through the courts. I hope that will not be necessary. My job is to try to make the process as fair as it can be, as I know the inspectors will do so. We do not have a perfect situation. It is not a perfect timetable but I think it is the one we need to follow and the best option for us at the moment.

3.12.3 Deputy I. Gardiner:

Will the Minister agree to discuss the timetable for the public inquiry to allow time for members of the public and interested parties to make submissions to the inquiry after the adoption of the bridging Island Plan with the new deadline for the submission of the statement being, say, 2 weeks to one month of the date the new plan is adopted by the States?

Deputy J.H. Young:

I have spoken to the officers about it and I have asked them to talk with the inspector whether there can be any flexibility in the number of days. If there is to be any flexibility it is likely to be no more than a week. In any event, I would maintain the position that the issues people want to bring to the attention of the inspector will not be any different. Any differences will be in the question of policies between the old Island Plan, an adjustment that is made by whoever makes the decision. The inspector has known about the bridging Island Plan right from the start so he knows about those matters. I have asked to be published, which will help the Deputy and everybody else, a summation of the policies that affect the hospital between the old and the new plans and I expect the major difference will be policy C19 in the new Island Plan, which has the States decision to make Overdale the site and also the public interest test that merely consolidates what is already implied in the existing Island Plan. That statement will be published very shortly.

3.12.4 Senator T.A. Vallois:

It is no surprise to anyone that a number of concerns have been raised by members of the public around the hospital build, so I will cut to the chase and ask the Minister: has the bridging Island Plan been manipulated to ensure the Government get the hospital project built as they envisaged?

Deputy J.H. Young:

No. Right early on the question came during the drafting stage and although the officers are doing the work, the Senator will know the drafting stage was well over a year ago and the States made a decision to adopt the development of the hospital at Overdale, I believe it was back in November 2018. That was a decision I took no part in. I absolved myself from any meetings and never had any discussion, any political meeting, including States meetings, when the hospital project was under specific consideration. Therefore, I avoided that but I do have to make a choice whether or not the States was adopted effectively within the timeframe we published it. The Senator knows there are objections made at the inquiry, and the inspector is due to report on that, and the States will have that report when they decide whether that policy stays or not. That will be the critical matter so I think the processes there can deal with this matter.

3.12.5 Senator T.A. Vallois:

Can I ask the Minister, he referred to a summation being expected between old and new plans; what types of things does he expect to be seen in that summation in terms of the fact that we have seen the rejection of a previous hospital plan on the current site and now a planned new build on the new site that may be higher than we expect? What kind of summation does the Minister expect to see from an independent inspector?

Deputy J.H. Young:

I think I should probably explain my remarks earlier about public interest test a bit better. My expectation would be, and I have not seen the draft statement yet but it will be produced, will set out policies such as green zone policy, the green backdrop zone policy, the skyline policy and so on. Those policies will not be very substantially changed but the policies do include a specific policy that says such considerations can be set aside if they are in the overriding public interest. That is now proposed to be an explicit policy in those new policies in the draft plan. That was never the case an explicit one but it has always been, in all consideration, a test in law, a public interest test. So, please wait for the statement. Senator, and that will be there as soon as I can get it out there.

The Bailiff:

Deputy Morel, you were seeking a point of clarification. I am afraid that is not possible within the context of an answer to a question. You can only seek a point of clarification from a speech if the speaker gives way.

3.12.6 The Deputy of St. Martin:

Is it the Minister's intention to determine this application during the States recess after 10th May?

Deputy J.H. Young:

I will take that decision at the time the inspector's report comes. I do not want to prejudge that. I want to get to the point where the inquiry has happened, it has been dealt fairly, and then the inspector has a chance to properly produce that report for my consideration and I will make that decision at that time. I should tell Members, if it turns out that the bridging Island Plan gets modified it will be open to me to postpone the inquiry. I want to see the thing through the various stages.

3.12.7 The Deputy of St. Martin:

Maybe I should rephrase the question like this. Would it be the Minister's intention to determine this application after 10th May if the inspector's recommendation does not arrive on his desk by that date?

Deputy J.H. Young:

Could you clarify the question? What date is the Deputy referring to?

The Bailiff:

10th May.

Deputy J.H. Young:

I am unable to answer that question at the moment. The answer is it depends on the circumstances. I do not want to be bound on something and committed irretrievably before I have seen the substance of what I am being asked to decide.

3.12.8 Deputy K.F. Morel:

In reference to my point, the Minister said that Overdale was chosen by the States in 2018 but it was in 2020. I wanted to give him the opportunity to correct that on the record.

The Bailiff:

Do you wish to ask a question, Deputy?

Deputy K.F. Morel:

Yes, Sir.

The Bailiff:

If you would ask your question, then.

Deputy K.F. Morel:

As Senator Vallois mentioned, I have also received plenty of communications concerned about the situation with the bridging Island Plan and the existing Island Plan and the new hospital planning inquiry. In reference to my previous supplementary questions, is the Minister at all concerned that Islanders could lose faith in the integrity of the planning system if they are not satisfied that this is a very fair planning inquiry for the hospital?

[15:15]

Deputy J.H. Young:

Yes, I would have failed, and I apologise for that error. My recollection was, and I am sorry I had the sequence wrong, there was a proposition to rescind previous decisions on the hospital and I may have not got the timing right about Overdale but it was certainly before the draft plan was published. Yes, it would be my concern and my preferred way of dealing with this is to let the inquiry happen and listen to what takes place. It will be screened live and we will all hear how successful it is and how much confidence people have, and if there are problems they will come to light. That is why I do not want to prejudge what actions I would take until I know that is the case. But it would be my concern. It is my duty to maintain public confidence in the planning system as best I can.

3.12.9 Deputy K.F. Morel:

Waiting for the inquiry to conclude is fine for maintaining faith in the planning system but to maintain faith in the planning inquiry itself for the hospital, surely the Minister would agree he has to do work before the planning inquiry to ensure that Islanders have faith in it.

Deputy J.H. Young:

Yes, that is why I have asked to produce this statement of the policies and asked the officers to publish their response to the Save Jersey's Heritage letter that they have put into the public domain, and therefore it is right that the response goes into the public domain in the spirit of openness. Those 2 pieces of correspondence will be made available to the inspector and if he says he does not think this procedure is right I will have to respond to that and take that on board.

3.12.10 Senator K.L. Moore:

Yesterday the Future Hospital Review Panel wrote to the Minister to express concern about the lack of time between the closing of the debate on the bridging Island Plan and the beginning of the inquiry into the hospital planning application. How will the Minister respond to the Future Hospital Review Panel?

Deputy J.H. Young:

I have asked the officers to see whether there is any latitude in the timetable and discuss this with the inspector. I received that letter yesterday afternoon so I would like a bit more time to respond to it than a couple of hours, if I may.

3.12.11 Senator K.L. Moore:

Does the Minister accept it is likely that there will be amendments in the bridging Island Plan debate that might have a material impact upon the ability of the inspector to consider the hospital application?

Deputy J.H. Young:

Yes, absolutely. As the Senator knows, as soon as I am able to have received the inspector's report on the bridging Island Plan it will be published. It is probably imminent, within the next 7 to 10 days. Members then have the ability to bring in amendments to matters referred to in the report and there is the opportunity for Members to bring amendments on policies affecting the hospital. If those amendments are carried, it is possible that will impact on the inquiry and that could result in the inquiry being put off to a later date according to how the States decides to treat those amendments. Yes, I accept that is procedurally possible but at the moment we have to deal with what is.

3.12.12 The Connétable of St. Helier:

Last week the St. Helier Roads Committee met in open session and spent 2½ hours formulating the strongest possible objections to the application, particularly in respect of environmental collateral damage but also heritage concerns. Is there a real danger that these concerns will be swept aside if a new policy is approved by the States that gives the inspector carte blanche overall and override these kinds of concerns?

Deputy J.H. Young:

All planning decisions are a balance of consideration between different policies. It is not a case of all policy directions always point one way. Pretty well every planning application has to be made and the relative balance or weight being given to different policies in those decisions. That is the job of the decision-maker, in this case, the best qualified person, which is the planning inspector, will make those judgments. At the end of the day there is the political call on that. I probably summarised what the policy differences are between the old and new plans. I do not have the wording to hand. If the Constable can reserve judgment until he has seen that statement that will set that out a little more clearly than I have been able to do.

3.13 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding Samarès Ward (OQ.9/2022)

Will the Minister state the current use of the former Samarès Ward and advise what clinical barriers, if any, there are to using the ward for complex rehabilitation in the short term while work is ongoing in relation to the new hospital??

The Deputy of St. Ouen (The Minister for Health and Social Services):

Currently the building that houses Samarès Ward is occupied by various services that are due to move to the former Les Quennevais School during 2022. There are 6 of them: a pre-assessment service, retinal screening, the fit-for-life service, neurology, the assisted reproduction service and community therapies. The Deputy has used the phrase “complex rehabilitation” in his question that clinically refers to patients who should be managed in specialised tertiary centres in the U.K. Patients with complex rehabilitation require access to acute healthcare services that, from a clinical safety point of view, cannot be provided on a satellite site such as Overdale as this limits access to key professionals and services and can therefore lead to risk and delays in treatment. I wonder if the Deputy did not mean patients needing complex rehabilitation as clinically defined and, if that is the case, I refer to comments I have made already and which are in my amendment on Samarès. It would notionally be possible to move services around but that would only be for a few months before they would need to move again and the building housing Samarès is to be demolished if the hospital planning application is granted. Operationally, I do not see how that is possible or in the best interests of anyone.

3.13.1 Deputy K.G. Pamplin:

I thank the Minister for his answer. If the States decision this week is approved as unamended, what has been looked at to make that achievable, if it is the will of the Assembly, in the short term, not knowing the full outcome of the Future Hospital as of yet? Could it work that some services could be returned to Samarès in that instance if it is the will of the Assembly?

The Deputy of St. Ouen:

I consider we would need to do a very careful risk assessment that considers the disruption caused to patients and the effects on staff in them undertaking yet another short-term move. The planning would need to be what happens after a few months, or is it feasible to move for a few months, and then what? That would have to happen. What other alternatives there are that can provide the right clinical environment for the patients we want to care for. That is the difficulty here and we know that the clinical advice is this would be an unsafe thing to do and I believe the disruption it would cause to the service, detracting from the delivery of care to planning relocation, is not something we should consider.

3.13.2 Connétable A. Jehan of St. John:

Can the Minister confirm the last time he visited Samarès Ward and if he found the building to be sound, warm and watertight?

The Deputy of St. Ouen:

I last visited in November. It appeared to me to be sound and watertight.

3.13.3 The Connétable of St. John:

Would the Minister agree with me that those services that have been put in there, including 4 officers, could be relocated within the States estate?

The Deputy of St. Ouen:

It is possible to move services around. I am not aware of any officers working from there who are not also clinically qualified and working clinically. There are lots of things that might be possible but that building, if we proceed as we all have chosen to proceed, which is to build a hospital at Overdale to serve the Island that is desperately needed, that building is planned to come down. Is it in the interests of patients and staff to move up there for such a short period and then need to plan where to go after a matter of months?

3.13.4 Deputy M.R. Higgins:

The Minister keeps on referring to a very short period of time. Does he have the critical path analysis of the build and does it not start with all the roadworks first? It could be a year or even possibly 2 years before doing some work on that site. Will he obtain a copy of the critical path analysis and provide it to States Members?

The Bailiff:

Will you obtain a copy, Minister?

The Deputy of St. Ouen:

My understanding is there are groundworks involved. The wish would be to demolish many of the present buildings at Overdale at an early stage.

3.13.5 Deputy M.R. Higgins:

The Samarès Ward is contained in one of the best buildings on the site and I am sure it could be worked around that it could be maintained for as long as possible to provide some of these services. Will the Minister investigate and report back to the States?

The Deputy of St. Ouen:

I would disagree with the Deputy, I am afraid. Maintaining a building which has got to come down at some time in the middle of a building site, a huge building site where there has to be ground levelling and all sorts of investigation. This building we want demolished because we want to create the better picture of building a new hospital for the Island which is so desperately needed. So, it seems to me, we need to concentrate on services; we need to concentrate on patient outcomes, and not on a building and a disruption caused by going backwards and forwards to different buildings all the time.

3.13.6 Senator T.A. Vallois:

Other than the Jersey Care Model rhetoric around rehabilitation, what are the long-term plans for rehabilitation in terms of secondary care with regards to the health service?

The Deputy of St. Ouen:

I know Members have received a letter from our Island's medical director and chief nurse which set out their vision for the delivery of rehabilitation in all scenarios in healthcare. So from the very moment somebody comes into healthcare services thought should be given to their rehabilitation. Rehabilitation is far more than just care after stroke or therapies after injury; it is about restoring somebody to the condition they were before, or as near as possible. That covers all healthcare interventions and is something that the medical director and chief nurse want to deliver as a whole service in all settings and not in a standalone building.

3.13.7 Senator T.A. Vallois:

Rehabilitation is more than about community services and community care. I have not heard anything about the work of Health and Social Services working with the likes of Sports Jersey or other areas ...

The Bailiff:

Senator, there has to be a question, I am afraid. At the moment there is a series of statements.

Senator T.A. Vallois:

The Minister referred to patient outcomes. Members of the public want to see those good patient outcomes like they saw at Samarès Ward. So what does the Minister expect to see without Samarès Ward going forward?

[15:30]

The Deputy of St. Ouen:

On the first part of the Senator's question, that there is work that has been carried out with Jersey Sport. The programme called Move More takes patients - organised by Jersey Sport but in conjunction with H.C.S. (Health and Community Services) - helps people to recover their ability to walk and to be mobile. I am just trying to reach for the second part of the Senator's question. I am sorry; I have lost it.

The Bailiff:

I am afraid I do not remember it either.

Senator T.A. Vallois:

If I may, it was in reference to without Samarès Ward what does the Minister expect to see in terms of rehabilitation services as part of the Jersey Care Model.

The Deputy of St. Ouen:

Yes, because I remember the Senator referred to my reference to patient outcomes. This is the difficulty; there was good care delivered on Samarès Ward but there was no recording of patient outcomes. There were no clinical parameters that were set out there and we are now in a position where we are recording patient outcomes in the rehabilitation service, as we are trying to do throughout H.C.S., to be able to measure our services and give assurance that we are achieving. As I have said in answer to the petition and other answers, we are part of what is called S.S.N.A.P. (Sentinel Stroke National Audit Programme) which is a U.K. stroke rehabilitation assessment scheme, and we feed into that and provide the results of our outcomes for recording throughout the U.K. and assessing how best to provide stroke services throughout the U.K.

3.13.8 The Connétable of St. Brelade:

Given the public outcry suggesting the mood of Samarès Ward to Plémont Ward at Gloucester Street has been grossly mishandled will the Minister be reviewing the performance of staff who have been directing the process?

The Deputy of St. Ouen:

What I am doing, and what I said in the response to the petition, is that I am asking for external eyes to report to me. So I am putting in place an external adviser with expertise and proficiency in rehabilitation services to take full view of our provision in Jersey and report to me. I am looking forward to receiving that report; it will be valuable.

3.13.9 The Connétable of St. Brelade:

The Minister has yet to put forward a satisfactory interim facility prior to the completion of our hospital. Is it his intention to do so given that Plémont Ward is far from satisfactory?

The Deputy of St. Ouen:

I disagree with the statement that Plémont Ward is far from satisfactory. Plémont Ward is not Samarès Ward. Samarès Ward was luxurious, it was quiet, it was a calming place. But Plémont Ward is the same ward that we deliver all our services in, and this is the reason why we choose to build a new hospital because we recognise the limitations on the wards but we continue to deliver care and that care is safe and that care will need to be delivered in the General Hospital for the next 5 years. We can deliver a good service from Plémont Ward with good clinical outcomes, and in fact the staff are doing so. I know and I have accepted that there are cases where we have let patients down, but we have also delivered good clinical outcomes for other patients.

The Bailiff:

Can I just mention that the supplemental questions - the last 2 at least - have stretched the limits of relevance to the original question and I may need, in terms of the time available, to be a little bit more hawkish going forward.

3.13.10 Senator S.W. Pallett:

Irrespective of the timing of any demolition, and we accept that may happen, is there any clinical reason - and the Minister has not answered this - why a move back to Samarès Ward cannot take place?

The Deputy of St. Ouen:

The medical director for the Island has expressed the view that that is certainly not the best provision, it is not optimal, it is a standalone service and it is best to deliver this clinically where there are all other services. But it is also apparent that it could be done and it was being done 2 years ago. The objection really is that it is wholly impractical to do so, and disruptive to the whole service and the staff, with the result because of that disruption that we will see worse clinical outcomes and none of us want to achieve that.

3.13.11 Senator S.W. Pallett:

Whether you agree with that statement or not there seems to be no clinical reason why the service cannot go back to Samarès Ward, so will the Minister agree then that, unlike the comments in his amendment, it would not be clinically unsafe to go back to Samarès Ward?

The Deputy of St. Ouen:

I refer to the amendment; I refer to the view of the medical director. Services might be able to be delivered there but the real point is if the place has to be demolished the disruption caused by all of this would be totally pointless and would result in worse patient outcomes.

Senator S.W. Pallett:

Sir, could the Minister answer the question? Is it clinically unsafe?

The Deputy of St. Ouen:

To that extent I think it would be clinically unsafe for us to be shifting services around all the time and not concentrating on patient outcomes and the services instead concentrating on location.

3.13.12 Deputy K.G. Pamplin:

Will the Minister join me in paying tribute to the hard-working staff who are delivering the service and caught between this political issue at the moment? Particularly on that measure my final supplementary is around staffing. Is that one of the reasons clinically why the move to Samarès also would be complicated due to a lack of dedicated staff to fill the roles previously fulfilled on Samarès Ward?

The Deputy of St. Ouen:

Yes, I do feel very much for the staff at the moment who are dedicated and working hard and qualified and equipped to deliver the service they are. We do have a full complement of therapists on Plémont Ward. We have essentially the same staff that were operating on Samarès Ward, so the report in recent media that dozens of them had left was in fact incorrect and arose from an incorrect freedom of information response which I had never seen and it seems no one in H.C.S. had seen. In fact the number of retirees over the period asked was I think just 7, or the number of persons who had left the service. Most of the staff have remained to deliver the excellent care that they do, and they have come through COVID and all of those anxieties and stresses and they have come through this unsettled period and are presently delivering a great service from Plémont Ward, which is delivering for patients. We have an improvement plan which we are putting in place ...

The Bailiff:

Sorry, I must ask you to bring your answer to a close please, Minister, you have gone over the one minute and 30 seconds.

The Deputy of St. Ouen:

I will close, thank you.

3.14 Deputy I. Gardiner of the Minister for Health and Social Services regarding the introduction of the Jersey care Model (OQ.5/2022)

Will the Minister advise whether any public engagement initiatives are planned for 2022 in relation to the introduction of the Jersey Care Model, and if not, why not?

The Deputy of St. Ouen (The Minister for Health and Social Services):

Yes, happy to confirm that initiatives are planned for 2022. They will take a variety of forms. They may need to be revised depending on the COVID situation of the time but I hope that is going to not affect things. The team working on the model recognise the importance of engaging with Islanders in all sorts of ways about this important project to ensure as many people as possible know about the progress of the model and what stage it is at, an early stage as yet. In particular, we are aware not every Islander has easy access to digital methods of receiving information so there will be non-digital and digital means. This will include so many things: face-to-face meetings in, for example, Parish Halls, there will be static or online exhibitions, there will be leaflet drops, there will be presentations to groups of people, videos posted, articles, advertising and regular updates on gov.je. In particular we note that the public meetings for 2019 were particularly well-attended and were a valuable opportunity. If we can do so in line with COVID restrictions, we aim to run a minimum of 4 public meetings prior to May 2022 to update Islanders. I would very much like to be part of that while I am still in this position as Minister. So that is our hope and will take all COVID measures needed to ensure they can go ahead safely.

3.14.1 Senator T.A. Vallois:

I would like to ask the Minister whether he believes that the public understand exactly what the Jersey Care Model is and what it means for them individually from certain medial perspectives?

The Deputy of St. Ouen:

I believe that the public understand that it is important to deliver more care in the community, because I think we all know that healthcare needs to change because people are no longer dying from disease but instead they are living longer with long-term conditions. That means we cannot rely on the secondary service to treat us in wards anymore because it is about managing conditions which now

help. That is best done in the community; I think the public do recognise that and give support to that.

3.14.2 Senator T.A. Vallois:

With regard to the Jersey Care Model, does the Minister believe what he has just stated that those with long-term conditions have the availability and the initiative and understanding in terms of how to work within an economy that we work in, in Jersey, in terms of living, their life expectancy and their requirements around management of their conditions considering the cost of care, particularly with regards to primary care in our model of Health and Social Services?

The Deputy of St. Ouen:

That is a long question. So many people living with long-term conditions can access help from primary care but from family nursing, from a charitable provision, from specialist clinics in secondary care. So those with long-term conditions can get a feel for what is available. We have only concluded the first year of a 5-year programme, which is the Jersey Care Model, so there is much work still to do. As to the costs of accessing services, well it is primary care principally, that is the issue here, is it not?

[15:45]

The primary care providers are part of the Jersey Care Model, they are working with us to deliver these services in the best way for the Island and we are coming forward with proposals for sustainable healthcare and work is being carried out on that this year with a view to it coming before the next Council of Ministers and being incorporated in a future Government Plan. So these issues are known and are being worked through.

3.14.3 Deputy K.G. Pamplin:

Before the public engagement can go further, can I ask the Minister that the independent Chair that has been delayed being appointed has now been put in place before any further public communication can go forward?

The Deputy of St. Ouen:

Yes, that will be in place. The chair has been appointed and the Scrutiny Panel, including Deputy Pamplin, will be invited to meet him. I have yet to meet him. The process has taken much longer than we all anticipated due to reasons that have been given to the Scrutiny Panel and States Members in previous questions.

3.14.4 Deputy K.G. Pamplin:

I thank the Minister for the news and the update. Could he also update us on has there been a specific employment on somebody on to navigate and manage the communication of the Care Model for the public?

The Deputy of St. Ouen:

Yes, we have a comms office within the team that are working on the Jersey Care Model.

3.14.5 Deputy G.P. Southern:

Perhaps the Minister for Health and Social Services might recognise who I am talking about when I talk about a constituent who has been told that if she stays in the public sector for a knee scan, a simple knee scan, to work out what is wrong with her knee, then it will take 30 to 40 weeks' waiting. But, if she was to take a private route into accessing that scan, she can do it next Sunday.

The Bailiff:

I am sorry, Deputy, that is nothing to do with the question that is the main question, which is to do with public engagement in connection with the Jersey Care Model. It has nothing to do with specific cases or waiting lists or anything like that I am afraid. I have to rule that question out of order.

Deputy G.P. Southern:

I accept your judgement, thank you. The point is made.

3.14.6 Deputy I. Gardiner:

I would like to follow up with the Minister what his response is that the public accept the Jersey Care Model and they need to move to the community. I would raise the Minister's attention that during the public hearing on 17th June with the Public Accounts Committee, the Director General for Housing and Communities firstly agrees that the public is confused and even fear the Jersey Care Model. Would the Minister explain where is his evidence the public accepted and welcomed the Jersey Care Model? It is not about the Jersey Care Model, it is about the public perception.

The Deputy of St. Ouen:

What I am trying to say is that the public accept the premise behind the Jersey Care Model; the name of it perhaps does not matter. It could be called something else. But the premise is that more care needs to be delivered in the community; that people are living with longer-term conditions and they need to live independently. We want to give them that support. I think that is increasingly being understood. So I hope that answers the Deputy's question.

3.15 Senator S.Y. Mézec of the Minister for Infrastructure regarding the Havre des Pas roadworks (OQ.3/2022)

What actions, if any, has the Minister taken to mitigate the disruption caused by the roadworks taking place at Havre des Pas?

Deputy K.C. Lewis (The Minister for Infrastructure):

The department planned the work in the early months of the year as traffic figures demonstrate that this is a quiet period for the road network and would have the least impact on the bus service. Officers are liaising daily with our contractor to ensure the work can be completed as efficiently and as soon as possible. I will continue to receive regular updates from the principal engineer while these works are ongoing.

3.15.1 Senator S.Y. Mézec:

Can the Minister confirm whether he is receiving much feedback from the people who live in the area or commuters who pass through it, given that there have been reports in recent days of people facing quite severe disruption and is he open to hearing from them so that they can take in that feedback and consider whether there is more that his department can do to ease some of the problems being caused by that congestion?

Deputy K.C. Lewis:

Fair comment but that is already happening. We anticipated this all along. It was work that could not be put off. It was work that had to be done. There is drainage work going on. We had a model to work by. Many years ago, we had the collapse of the rock wall at Mount Bingham and that was over 3 months. Thank goodness this is going to be weeks, not months. The disruption then was quite phenomenal. Lots of people who live in St. Clement and Grouville come through Havre des Pas, over Mount Bingham and off to their work or whatever that way. But now everything has to come up La Route du Fort and through the tunnel, which is where the congestion is. It is being done in sections at Havre des Pas and it is being monitored carefully. The principal engineer is doing all he

can to mitigate the disruption that is happening at the moment. We apologise for the delay but the team are working as hard as they can to mitigate that.

The Bailiff:

Thank you very much. That brings questions with notice to an end. We move on to questions without notice. The first period is questions addressed to the Minister for Home Affairs. I am assuming that those who have indicated so far a desire to ask a question. Deputy Tadier, do you have a question for the Minister for Home Affairs?

Deputy M. Tadier:

Sorry, that is an error. It was not for him.

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

4.1 Deputy K.F. Morel:

It was just to ask the Minister, with regard to the grant provided to the Jersey Women's Refuge, would the Minister be able to clarify whether he has Ministerial responsibility for the budget for that grant or whether it is another Minister?

Deputy G.C. Guida (The Minister for Home Affairs):

The grant for the Women's Refuge comes from C.L.S. (Customer and Local Services) and the Minister for Social Security. The Women's Refuge of course is an extremely important part of our domestic violence response but it is a charity that needs help from the States.

4.2 Deputy R.J. Ward:

One of the protected characteristics of the Discrimination (Jersey) Law 2013 is nationality. Does the Minister accept this protected characteristic as integral to protecting against discrimination?

Deputy G.C. Guida:

Thank you for a proper policy question. I was a little bit upset with the Discrimination Law at listing characteristics because it cannot ever be completely comprehensive. Discrimination can happen on characteristics that nobody has thought about. So why not nationality, but why not others? I was always a little bit upset; I would have preferred a law that was more inclusive.

4.2.1 Deputy R.J. Ward:

I thank the Minister for his answer very much. Does the Minister agree that his statement in the *Bailiwick Express* that we should not trust the French can be seen as contrary to the Discrimination Law?

Deputy G.C. Guida:

I wanted to make it short but actually I said we cannot trust the French Government, although we are in talks with them and relationships I hope are improving.

4.3 Deputy S.M. Ahier of St. Helier:

Will the Minister inform the Assembly of how many staff and inmates in the prison are currently testing positive for COVID-19 and will he advise whether inmates are currently receiving visitors while the virus is present?

Deputy G.C. Guida:

I will try to answer the question without delving into my documents. I think we have just found that 3 inmates tested positive for COVID and there are, I think, 5 or 6 prison officers. The figures of

course change very readily. We do allow visits, we still allow visits, which are of course extremely important and were a huge problem at the most severe part of the pandemic. But we do test regularly, so prisoners are tested 3 times a week; 2 lateral flow tests and one P.C.R. (polymerase chain reaction) test. All visitors have to test before meeting prisoners.

4.4 Senator S.Y. Mézec:

Following on from Deputy Ward's question and the Minister's clarification that he would have referred to the French Government rather than the French people, and given that we have just under 1,000 French people living in Jersey, would the Minister like to take the opportunity to apologise for what were quite silly comments in making that and something that people of that nationality may have been offended by?

Deputy G.C. Guida:

People are represented by the Government they elect and unfortunately the actions of that Government reflect on the people. The French Government has not treated the Trade Co-operation Agreement very well. It is a contract, it has been signed, it needs to be implemented. It is not being negotiated. I am still quite angry at my counterpart in France for not just getting on with the job and making a political issue of it. So, while I am angry, I am sorry, but the actions of the French Government will reflect on the people who elected them.

4.4.1 Senator S.Y. Mézec:

What the Minister has just said is absolutely outrageous of course. It is not a reflection of the just short of 1,000 French residents ...

The Bailiff:

Senator, it does have to be a question. It cannot be a statement of a political nature.

Senator S.Y. Mézec:

It is a question. Would the Minister like to consider his comments that he has just made given that they are outrageous and they are not a reflection of the French residents who are valued members of our community in Jersey? Would he like to give some consideration to whether what he may well have thought was a clever joke but was a very silly and insensitive comment. Would he like to reflect on how that may make valued members of our community feel?

Deputy G.C. Guida:

I would like to remind the Senator that I am myself a French person and I feel totally habilitated to express my displeasure with my fellow citizens if I want to. The French Government will have many, many opportunities to mend the relationship with Jersey but they are really not trying hard now. So I am sorry, I will not.

4.5 Deputy L.M.C. Doublet:

Can the Minister detail what understanding he has of the term "rape culture" and how it might apply to Jersey? If he is not familiar with this term, would he commit to seeking assistance from his officers to educate himself on this term and associated issues please?

Deputy G.C. Guida:

When I am not familiar with something I tend to immediately study it. So the first time I heard this I was extremely shocked at the use of an extremely abusive term. I researched it and it seems to be something that has been invented in America in a completely different context than the one it is used here. We have a patriarchal culture in Europe, which also exists in Jersey. This is something that

can be worked on and that can be fixed over the years. So there is a problem that we can fix. The term “rape culture,” I am sorry, is still offensive to me.

4.5.1 Deputy L.M.C. Doublet:

I agree with the Minister that rape is an offensive act and we should work together to eradicate it. Does the Minister agree with me that we should be aiming for a complete eradication of crimes of this nature?

Deputy G.C. Guida:

I could talk for hours on this, absolutely. There is no foundation, no excuse, no basis, there is nothing that can excuse rape. It will be difficult to eradicate. Some of it is cultural, some of it is because some people are born predators or become predators because of the circumstances in their life. But we must be relentless in their pursuit. We must find them, we must punish them, we must rehabilitate them. I am very, very clear with that and I will certainly welcome the help of the Deputy if she wants to participate in our taskforce and try to help the Jersey Government to achieve this in the next few years.

[16:00]

4.6 Deputy G.P. Southern:

I return again to the issue of the French and would ask the Minister whether he considers that, whether or not he intended to address the French Government or the French people, his statement on the French was not useful and potentially damaging?

Deputy G.C. Guida:

I am very surprised. I thought that States Members would follow the news a little bit more. Of course it is not the whole 70 million people. We have excellent friends in the region, we have been trading, exchanging culture, it is not the whole country. However, their Government has treated the Government of Jersey in a despicable fashion and, I am sorry, you cannot make me un-angry about this.

4.6.1 Deputy G.P. Southern:

Despite the level of anger that the Minister appears to feel, does he not accept that he appears technically to have broken the law?

Deputy G.C. Guida:

Can I have some precision on that? I am not quite sure which law he is talking about.

The Bailiff:

I think there was a mention of hate or discrimination according to race or something. I do not understand the question myself, Deputy.

Deputy G.C. Guida:

It may help; I am ashamed to be French.

4.7 Connétable K. Shenton-Stone of St. Martin:

I would like to ask the Minister for Home Affairs, what new forms of communication and improvements to the understanding and sensitivities of police and other law enforcement officers does the Minister intend to provide to improve the opportunities to safely report sexual and domestic violence?

Deputy G.C. Guida:

I will try again to answer this rather complex question without looking too much at my notes. Jersey has a victim charter, which ensures that victims are treated fairly and according to their needs. A victim can request to be interviewed by an officer of the same sex. They can ask for special measures, which are quite extraordinary, and which, for example, would allow a recorded interview to be used in court rather than the witness being present. So there are quite a number of systems and possibilities open for the victims to make their work as easy as possible. Of course, there is a lot of training going on in a trauma-aware approach of all victims.

4.8 Senator T.A. Vallois:

I would just like to ask the Minister for Home Affairs whether there is any particular legislation that we will see that is not expected in terms of the requirements under the code of practice between Scrutiny and Government Ministers around legislative scrutiny? If he expects that to be the case, what can we expect to see in terms of forthcoming legislation from Home Affairs?

Deputy G.C. Guida:

Sorry, I am not quite sure I understand the question. Was I asked whether I would bring legislation that changes the code of interaction between Scrutiny and the Ministry?

The Bailiff:

If you could clarify your question, Senator Vallois, in the short time available?

Senator T.A. Vallois:

Yes, quickly, in terms of any legislative requirements that are being brought forward that the Scrutiny panel or Members are not aware of, is the Minister going to make us aware of those?

Deputy G.C. Guida:

As far as I know, there are no pieces of legislation that will come during this term that Scrutiny has not heard about. I think Home Affairs from the beginning was extremely keen to share with Scrutiny as soon as we had an idea about legislation and talk about principles even before we officially requested drafting. So I am pretty sure that Scrutiny is aware of everything that is in the pipeline.

The Bailiff:

That brings the time available for questions to this Minister to an end. The next question period is for the Minister for Infrastructure. Are there any questions?

5. Questions to Ministers without notice - The Minister for Infrastructure

5.1 Deputy R.J. Ward:

I am going to ask the question that I registered as an oral question that we did not have time for, although there is an obvious question I would have asked. Will the Minister advise whether Jersey is to follow changes to the U.K. Highway Code establishing a hierarchy of road users, announced in July 2021 and due to come into effect in the U.K. on 29th January? If so, will he explain what steps his department has taken to bring about and to communicate such changes, including liaison with theory test providers in order that they may prepare?

Deputy K.C. Lewis (The Minister for Infrastructure):

Yes to everything there. These important changes to the national official highway code also apply to Jersey and will come into force here on 29th January, subject to the U.K. Parliament not raising any objection. The updates will, in particular, improve safety for cyclists, pedestrians and horse riders. We will of course be highlighting the key changes to the official highway code through a timely awareness and media campaign over the coming weeks. I would encourage road users to

make sure they are familiar with the updated code when the U.K. D.V.L.A. (Driver and Vehicle Licensing Agency) publish it at the end of the month. The Island will also benefit from U.K. publicity campaigns on T.V. (television) and newspapers when launched. D.V.S. (Driver and Vehicle Standards) in Jersey are in the process of reviewing and updating the driving theory test to reflect these changes.

5.1.1 Deputy R.J. Ward:

Does the Minister think enough has been done and does he have a clear picture of, for example, whether car drivers will understand how to prevent a left-hook collision or indeed what the Dutch Reach system is? Because certainly I know I had to read about it.

Deputy K.C. Lewis:

That is a fair question. The U.K. is going through the same process. There will be a saturation on national television, which obviously we will watch, national newspapers, obviously which we mostly read, and will be doing our own publicity through our own department. The Dutch Reach, if I could explain to Members, is, if you are right-hand drive and you open your door to get out with your right hand, you are still looking forward. If one uses the left hand, the Dutch Reach, one has to rotate the body, thereby looking behind one. So it is a safety thing and obviously the opposite if you are a passenger, use the other hand and swivel the body. It is just a safety precaution to make sure that you are not going to knock a cyclist, motor cyclist, off their bicycle when exiting your car.

5.2 Deputy I. Gardiner:

The Jersey Opera House received the funds for refurbishment through the Fiscal Stimulus Fund in 2021, we are now in 2022, would the Minister update where we are with refurbishment of this cultural significant building?

Deputy K.C. Lewis:

Yes, I believe this is being handled by Economic Development, who take care of leaseholds, et cetera, in this respect.

The Bailiff:

The short answer is, it is not your question to answer, Minister.

Deputy K.C. Lewis:

We do take care of some maintenance on behalf of the various departments.

5.2.1 Deputy I. Gardiner:

Is Jersey Property Holding not responsible for the Opera House building and, if yes, why they are not involved in the refurbishment of this?

Deputy K.C. Lewis:

We are responsible for the building. But all negotiations for this particular item are going through Economic Development.

5.3 Deputy G.J. Truscott of St. Brelade:

The Railway Walk is in a poor state of repair. Could the Minister outline what work is planned for 2022 to remedy the situation?

Deputy K.C. Lewis:

The Railway Walk is one of our jewels in the crown, if you like, if I may quote that. It is in wonderful condition. There has been a tremendous of work has gone on under the surface, quite literally, with

various utilities putting the pipework in there. It does need regular maintenance. We have been short-staffed. I will not go into reasons why. They are pretty obvious. But it is something I am keen to update as soon as possible.

5.3.1 Deputy G.J. Truscott:

In 2020, during question time, the Minister indicated there would be a new workplan for the Railway Walk, it would be forthcoming, and that the new contractor would be appointed. Can the Minister confirm that this is still the case and, if not, why not?

Deputy K.C. Lewis:

It is still the case and I do not have any further details at present. Obviously our priorities have lain elsewhere for the time being. But I am very keen to get the whole project restarted.

5.4 The Connétable of St. Brelade:

Would the Minister outline what consideration his department is giving to green hydrogen production and storage in the Island?

Deputy K.C. Lewis:

Green hydrogen production is somewhat in its infancy for us. They have quite a bit going on in the U.K. and big plants in Belfast. They have several double-decker buses in Belfast, I think 6 of them, run on green hydrogen. It is something that is obviously for the future for us. We do not have the money to lead on this project at the moment but we are monitoring what happens elsewhere. I am quite content to have electric vehicles. For the bigger, more industrial vehicles, like big buses and industrial equipment, I think possibly hydrogen is the way to go and obviously green hydrogen will be a step even further. So I am aware of the technology. I am very keen to implement it. But it is a little way down the road for us at the moment.

5.4.1 The Connétable of St. Brelade:

Will he, as Minister for Transport, be liaising with other agencies, namely Economic Development, the Minister for the Environment, and Ports, to ensure we are abreast of hydrogen-powered transport initiatives?

Deputy K.C. Lewis:

Yes, I was discussing it just 3 weeks ago with S.P.3 (Strategic Policy, Performance and Population), which is the policy department, which links through Infrastructure and also Environment. The teams are very aware of the technology and we are certainly looking at that.

5.5 Deputy M. Tadier:

The question is about the old Les Quennevais School site, which is under Property Holdings for the Minister. We have had several complaints, as I believe local Deputies and representatives - I certainly have - about the lights being left on at the old school, which are very bright and shining into residents' homes. This seems to be a big nuisance for them and is the Minister aware of that? Would he take measures to reduce or eliminate this light pollution?

Deputy K.C. Lewis:

I thank the Deputy for that. No, I was not aware and I will alert the department to this problem and make sure it is remedied immediately.

5.5.1 Deputy M. Tadier:

I am not sure this is directly within the Minister's remit, but we have had similar issues in the recent past at the new Les Quennevais School on the sports fields where lights are shining into some homes

there as well. Would he be able to liaise with the Education Department to make sure that there is not similar light pollution on that property as well?

Deputy K.C. Lewis:

Indeed, there are certain lampshades, for want of a better word, that reflect light away from residential areas and I am very keen for these to be fitted where appropriate and more than happy to pass that on.

[16:15]

5.6 Deputy G.J. Truscott:

Work has started at Fort Regent to renovate the gardens. Could the Minister confirm that this piece of work went out to tender and, if not, why not?

Deputy K.C. Lewis:

I think part of it was sent out to tender, but a lot of it is being done in-house with our own arborological team. We have our own tree experts.

5.7 Senator S.Y. Mézec:

Could the Minister update the Assembly on progress made towards implementing the decision he made in the Government Plan debate to introduce a bus pass for students and can he say when parents and those students will be able to purchase those bus passes?

Deputy K.C. Lewis:

It does sound quite simple in the voting, but it is an amazingly complex piece of work. We have our own team put together, a project team that is liaising with LibertyBus. LibertyBus are working very hard on this also. There is lots of work to do. There is a new computer programme that needs doing, new smart cards need to be profiled, and it is quite complicated inasmuch as each individual card has to be programmed. But when it does come out, they can transfer any balance from the previous smart card by way of topping this one up as part of the £20 fee, for instance. So that is not a problem. There is lots of work to do because lots of students, for example, transfer from the regular bus service to the school bus service, plus this applies to people of 18 years of age and under. It would also apply to people who are going to work. So the impact on the regular bus service and the school bus service has to be taken into account. Do we need more buses? Do we need more drivers? There is an awful lot of work to do. Obviously it was not possible to do this within the time that it is voted for it and 1st January. Obviously a lot of departments were closed down, ours was still going, but also we had obviously Christmas and New Year right in the middle of this 2½-week period. So both teams, our own team in Infrastructure, and indeed LibertyBus, are working very, very hard to get this up and running and I am very keen to get the whole system running as soon as possible.

5.7.1 Senator S.Y. Mézec:

He says: "As soon as possible." When exactly is that and why is it so much more complicated than the existing schemes, which already exist for bus passes, whether it is for disabled Islanders or pensioners where similar schemes already exist? Why is it so complicated?

Deputy K.C. Lewis:

As I have just pointed out, it is a new system that has to be time-expired because it will expire when somebody reaches the age of 20. So the dates have to be programmed into the computer otherwise somebody could have a student card and that will last them the rest of their life, which obviously is not part of the proposition and we simply cannot afford it. Things have to be programmed. There is an awful lot of work to do with getting the whole system up and running. There are lots of things

that have been done of late, obviously we have senior citizens cards, we have the disabled persons card, I recently signed the docket for assistance for a disabled person or an immobile person. That has all gone through. But this is particularly different and it will take a few weeks to set up. I cannot give an exact date. All I can say is, as soon as we can get it going we will get it going. There is also work that needs to be done with Treasury. This has to be paid for. Every time the card is used we have to reimburse LibertyBus. LibertyBus is a private company. It does not belong to us because we have to renegotiate the contract. That is step one. But we are proceeding as fast as we can.

The Bailiff:

In fact I hope, Deputy Morel, you are not typing out your letter, because that now brings the time for questions to this Minister to an end. We have a question period for the Chief Minister.

6. Questions to Ministers without notice - The Chief Minister

6.1 The Connétable of St. Helier:

The Chief Minister is pictured in today's paper welcoming the opportunity to increase the size of the park in his home Parish. Senator Le Fondré will be aware that Andium Homes has invited the Government to share in its vision of incorporating the Jersey Gas Site in its entirety to double the size of the Millennium Town Park in St. Helier. Yet he has not yet embraced this golden opportunity. Are St. Helier residents less entitled to reap the benefits of an expanded park than those in St. Lawrence?

Senator J.A.N. Le Fondré (The Chief Minister):

I am delighted that the Connétable of St. Helier recognises the benefits of living in St. Lawrence and no doubt he will be moving Parishes in due course. Sorry, I obviously speak with huge tongue inside of cheek. I absolutely recognise the concerns of the Connétable and I think the 2 issues are somewhat different. Really, just to focus on the fantastic gift that has been made to both the Island and the church by a benefactor who wishes to remain anonymous. I again pay tribute to both the politicians who have been involved in the discussions on that and the officers in finalising that particular transaction, and again very much state my heartfelt thanks to the very generous gift that has been made. Obviously, that is very specific to a location; it happened to be in St. Lawrence, it happened to be the playing fields where the Nightingale was located, and I am sure if a similar gift was available in St. Helier the Connétable would be as delighted as I was to receive it in his case on behalf of St. Helier residents. I was asked as Chief Minister to receive it on behalf of the Island in terms of and as an extension to Coronation Park.

6.1.1 The Connétable of St. Helier:

I did not ask my question to enable the Chief Minister to expatiate on the delights of the offer to expand Coronation Park. I was asking him to commit to the opportunity and indeed to the offer of a gift to the States to double the size of the Millennium Town Park, which of course provides essential open space to thousands of Islanders and far more than will ever be able to benefit from the doubling of the size of the park in St. Lawrence. Will he commit to pursue vigorously the offer of Andium Homes?

Senator J.A.N. Le Fondré:

As the Connétable knows, that particular plan is still under review. I do not believe it has been rejected in any shape or form. Obviously, there is an extant or an existing States Assembly decision on the site, which may well have to be taken into consideration. But, as the Connétable will know, I have absolutely no issues with looking at that. We do have to look at it in the round in terms of what comes through. Obviously, with the somewhat added complexities of the various planning discussions that were taking place. Frankly, I think we just need the next update as to where we are.

6.2 Deputy G.J. Truscott:

Could the Chief Minister confirm if it was the case that his Government was blindsided by Guernsey over vital sea link negotiations with Condor? Or was it the case, as has been suggested, that his Government were slow to respond to proposals?

Senator J.A.N. Le Fondré:

There have been a number of discussions and meetings in relation to the ongoing sea links and the future operational licence that does come up for negotiation in a particular number of years' time. I am trying to keep it simple because it is quite a complicated subject. Certainly, at an officer level, and at a political level as well, that has involved a reasonable amount of communication with Guernsey. So the announcements that were made just before Christmas, we are seeking to understand them further and hopefully will then discuss them properly with Guernsey in the near future.

6.2.1 Deputy G.J. Truscott:

There was, as part of the negotiations, talk of a collaborative purchase of an additional vessel. Can the Chief Minister confirm if his Government is interested in such an initiative?

Senator J.A.N. Le Fondré:

I am very happy to discuss matters with the Deputy offline. The caveat in terms of what I can say in the public domain is obviously all these negotiations and discussions do take place under confidentiality until these matters have been finalised. Then obviously we will then brief Members accordingly. What I can say is there has been a considerable amount of work with all interested parties, including the relatively new investors in Condor, and those discussions do continue.

6.3 Senator S.Y. Mézec:

Given that the Chief Minister is the Chief Minister of an Island that has just short of 1,000 residents, members of our community, who are French, does the Chief Minister agree with the words that were spoken by his Minister for Home Affairs just before Christmas that we should not trust these people?

Senator J.A.N. Le Fondré:

Il faut dire que j'ai toujours aimé la France, et il faut dire aussi que le Ministre est certainement un homme très passionnant; en général, mais en particulier sur le sujet de la pêche où il y a beaucoup de passions de tous les côtés. Et ça, c'est tout que je peux dire sur le sujet.¹

The Bailiff:

I am not sure that answers the question, Chief Minister. You were asked specifically whether you agreed, not about your view of the strength of feeling in the Deputy. So perhaps you could answer the question.

Senator J.A.N. Le Fondré:

Yes. I think the point is I rather feel that passions arise on all sides of this. I think the interpretation that the Senator is placing on the subject is not one that I would agree and certainly not one that I would suspect the Minister would place on it either. Frankly, it feels like a point-scoring exercise, which I am not going to be drawn into. What I will say is that the subject of fishing remains very close to our hearts. It is something that there are very strong views on all sides and it is something that we remain as diplomatic and appropriate as we can do in the context of the ongoing discussions

¹ English Translation: "I have to say that I have always liked France and also that the Minister is certainly a very passionate man; generally speaking but particularly on the subject of fishing – where there is a lot of passion on all sides of the debate. And that is all I can say on the subject."

that we have. We have very close cultural and historic links with France over hundreds and thousands of years. One would not wish one dispute in one area to permanently damage those relationships in the longer term.

6.3.1 Senator S.Y. Mézec:

Of course it is never point-scoring to stand up for minority communities when they are subjected to divisive tactics by politicians. Would the Chief Minister therefore undertake to perhaps have a quiet word with his Minister for Home Affairs to encourage him to be a bit more sensible with his words in future?

Senator J.A.N. Le Fondré:

I do not think I can add anything more to the response I have given.

6.4 Deputy I. Gardiner:

In answer to my question, the Minister for Children and Education back in November advised that the draft report of the primary school estate review would be considered by the Regeneration Steering Group at the beginning of December. Would the Chief Minister advise if any progress was made and if we have a way forward from these matters?

Senator J.A.N. Le Fondré:

I thank the Deputy for the prompt. It was not considered at that R.S.G. (Regeneration Steering Group). My expectation is it is coming to the next R.S.G. I was just trying to look at my diary to see when it is but I believe it is in the next 2 weeks, i.e. before the end of the month. I will very happily update the Deputy once those considerations have taken place. My recollection - I will go back and have a look at it - is that there was one aspect of the proposals that seemed eminently sensible but there was one other area that needed some further understanding.

[16:30]

6.4.1 Deputy I. Gardiner:

The review is ongoing from March and this Assembly, Chief Minister, said that we would see the results in 6 weeks, which is June. Today we just hear that it has been postponed again by 2 months. Would the Chief Minister consider this matter a matter of urgency that we can move forward, not just with the school estate, but with other estate matters that currently cannot progress because of this particular review?

Senator J.A.N. Le Fondré:

As I said, my expectation and my recollection on the matter is that there were some further matters that needed expanding upon in the report when I first saw the drafts, which I imagine was back in November/December. Therefore my expectation is that it will be coming to R.S.G. at the next sitting. I do appreciate the concern of trying to move this particular area forward. I will just say that obviously, from the perspective in terms of the overall estates position, the office consolidation strategy therefore is happening, and Cyril Le Marquand House is in the process of being demolished. The health side of the estate, provided the Assembly has agreed the site, therefore that is giving certainty in that area, and, for example, allows St. Saviour's Hospital to now be released. Therefore the education side of things is one of the final measures that need to be placed in this first round to give some certainty going forward. But we have been introducing more certainty into other parts of the estate during the last 18 months.

6.5 Deputy M. Tadier:

I do want to follow up on Senator Mézec's question. Does the Chief Minister think that comments from his Minister for Home Affairs and his party leader, when he said: "Do not trust the French" does he agree with those comments and does he think those comments are helpful with regard to Island diplomacy with our closest neighbours?

Senator J.A.N. Le Fondré:

I am afraid, until I have listened to the context, I am not commenting any further. I was unfortunately just dealing with something else when Deputy Guida was being questioned. But as I have said, on all sides, passions run strong at various times. The crucial thing is that we arrive ultimately, in terms of the fishing negotiations, at a sensible and data-based outcome.

6.5.1 Deputy M. Tadier:

Does the Chief Minister trust the French?

Senator J.A.N. Le Fondré:

I trust many people and I do not tend to get into nationalities on that basis.

6.6 Deputy S.M. Ahier:

The U.K. Treasury has written off £4.3 billion of money obtained wrongfully from its emergency COVID schemes. Does the Chief Minister believe that a similar approach should be taken by our Minister for Treasury and Resources?

Senator J.A.N. Le Fondré:

Sorry, the Deputy cut out literally for 2 seconds right in the middle of that. I caught that the U.K. had written off a large sum of money from its something COVID schemes and then it slightly went blank.

Deputy S.M. Ahier:

From its emergency COVID schemes. Does the Chief Minister believe that a similar approach should be taken by our Minister for Treasury and Resources?

Senator J.A.N. Le Fondré:

My understanding is that part of the issue that had been written off was because of essentially difficulties in recovering monies, which perhaps should not have been paid out. As I said, I know we do continue to maintain hopefully and reasonably from Government's controls around it. If it is write-offs in relation to businesses, that very much depends on the circumstances. But from my perspective we have been very clear, where grants have been given, which are therefore not recoverable, where effectively deferrals have been made and it is more so a case of how and over what period one attempts to recover that money. So I think really, without a greater context, I would be unable to agree directly with the statement by the Deputy.

6.6.1 Deputy S.M. Ahier:

A small number of people have mistakenly claimed from the co-funded payroll scheme and are now being asked to repay the full sum over a very short period. Does the Chief Minister believe that they should be allowed the right of appeal against this decision?

Senator J.A.N. Le Fondré:

It is difficult to comment. I am not fully appraised of the specifics. It is very difficult to comment without knowing the details. It comes down to whether if it was mistaken versus in wilful ignorance, shall we say, so it will depend on the circumstances and it will also depend on the amounts involved and what the impact of those amounts are on the survivability of their business. Those are illustrative

examples. Without knowing the details behind that, I do not think I would be willing to comment at this stage. But we have followed a stance of supporting many, many businesses through this pandemic and we continue to do so. So I hope that would give an indication of the likely direction of travel that we have. It very much depends on the circumstances of the individual cases.

The Bailiff:

That brings the period of time allocated for questions to the Chief Minister to an end. We now move on to other matters on the Order Paper. There is nothing under J and K. We come to L, which is Public Business.

PUBLIC BUSINESS

The Bailiff:

The first item of Public Business is the changes to the objects and purpose of the Ann Alice Rayner Fund, P.92 reissue, lodged by the Minister for Treasury and Resources. The main responders are the Corporate Services Scrutiny Panel, so Senator Moore, and I ask the Greffier to read the citation.

7. Reduction of lodging period

Deputy M. Tadier:

It is Deputy Tadier. Before the proposition is read, I was wondering if I could seek clarification on whether or not my item could be taken at this sitting and indeed when we might take it. It would just be very helpful to be able to prepare for that.

The Bailiff:

Your item being the last so far on the Order Party, is it?

Deputy M. Tadier:

Yes, that is right. So I need to get leave for it to be taken at this hearing.

The Bailiff:

Yes, I see. We do normally deal with that at the beginning of business so Members know what they are to deal with during the course of the sitting. I had not spotted that we needed to get that matter sorted out. So you wish to propose and you wish to seek the leave of the Assembly, Deputy, for the lodging period to be truncated and for Members to agree to take the item at this sitting, yes?

Deputy M. Tadier:

Yes please.

The Bailiff:

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

Deputy M. Tadier:

Do I need to say why?

The Bailiff:

You can propose it if you want or if there is any debate then you will have a chance to sum up of course. It is up to you.

7.1 Deputy M. Tadier:

Very quickly, obviously I was in contact with Members directly and the Minister as soon as I heard about the changes to visiting rights at the hospital. I thought it was something that urgently needed

attention and so it was necessarily lodged quite late after I tried to exhaust all other avenues with the Minister to find out if there was a way for visiting rights to be at least partially reopened to some of those who could not currently visit. But that has not proven possible and so I do find myself lodging this fairly late in the day but with as much notice as I could really give. I think it does merit a debate because we are dealing with balances of human rights here, about family life and vulnerable people that are getting access to visitors and vice versa, while at the same time being able to do so in a safe environment. I think that is a decision that has been foisted upon us and the public without any real knowledge as to why that has been done and what the alternatives might have been.

The Bailiff:

So you make the proposition, it has already been seconded. Does any Member wish to speak?

7.1.1 Deputy R.J. Ward:

Sorry, I think Deputy Tadier has covered most of it. The nature of this is last minute because the change was last minute. I think it does need some debate. I have had a number of constituents contact me to say what is happening at the hospital and so on and so forth: "How can I get a visit? How long is this going to go on for?" So I think it does need an urgent debate, whatever people think, for or against or whatever, it is just the nature of the beast, so to speak, so I hope that the Assembly will accept this in this sitting.

7.1.2 The Deputy of St. Ouen:

Yes. I confirm I have been in discussions with Deputy Tadier and I have no objection to this being lodged at this stage. But I do have to tell Members that at present I am not able to accede to the request in the proposition on clinical advice. I do intend to provide Members with a comments paper during the course of tomorrow, and I hope as early as possible. It is the case that COVID remains a serious threat in the hospitals to vulnerable people. This is a proper response to an outbreak and it is very regrettable. I would wish to restore visiting as soon as we can. But it seems on clinical advice I would need to oppose the proposition.

The Bailiff:

But you have no objection, as I understand it, Minister, to the proposition being tabled and taken at this sitting?

The Deputy of St. Ouen:

No, I do not, as long as we can debate it at the end of the list, as is listed on the Order Paper.

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

Yes, I think I would need clarification from Deputy Tadier whether he wants it taken at the end of the list. I definitely will not be supporting it being taken early. I understand he has heard from constituents. We spoke to the staff and the young nurses who are being abused. The Minister is trying to sort something out and I do not think this is helpful. So I do not even agree that he should have lodged it. I mean we do know the abuse we have taken from antivaxxers outside the States Assembly and this is the sort of abuse nurses and healthcare staff are getting in the hospital just if they ask: "Have you had a test and can I see it?" So we could spend a day debating it and clinically it still will not be safe, so what is the point? So I am not voting that it can be taken today, tomorrow, or Thursday. Thank you.

The Bailiff:

Very well. Does any other Member wish to speak on Deputy Tadier’s proposition to take his matter at this session? If no other Member wishes to speak, then I close the debate and call upon Deputy Tadier to respond.

7.1.4 Deputy M. Tadier:

I thank those who spoke. I appreciate the Minister, who I think is a democrat, we do not necessarily agree with the way forward in terms of the outcome of this proposition, but he will at least allow it to be debated. I am concerned with some of Deputy Martin’s comments because from my conversations with the Minister it has become quite clear that the ban on visitors has nothing to do with the staff having been abused, or allegedly being abused, by some people who were asked to produce a vaccine status or rather a lateral flow test status, for example. But it has been more so to do with, I am told now, about infection on the wards and the risk of spreading it from patients who have already got it to visitors. So perhaps not what we initially thought. Indeed, just to correct Deputy Martin, I have also come across people who have said that: “We have had a test done and when we have offered to show the test result to the ward staff they have said: ‘No, do not worry, we do not need to see the test.’” So there is a big question about a robust procedure being in place and I would have hoped that all Members, including Deputy Martin, would want to know that there are robust processes in place so that we make sure that COVID is not spread at the hospital and that we make sure that everybody knows what is required of them when going to the hospital so that there is no ill feeling on either side. So I do maintain the proposition to have this taken at this sitting.

[16:45]

The Bailiff:

In which case I ask the Greffier to place a link into the chat and I open the voting and ask Members to vote in the normal way. A vote pour will be a vote to permit Deputy Tadier to take this proposition P.8/2022 at this sitting at the end of the list. If Members have had the opportunity of casting their votes ... Connétable of St. Ouen, you have asked for a point of clarification. I have opened the voting. I am afraid it is too late for that. Unless it is a ruling from the Chair you are asking for. I am not quite sure which it is.

The Connétable of St. Ouen:

If I could just perhaps explain a little further. I have a very personal interest in this in that I have a relative currently in the hospital, so I would personally benefit from any decision that was made on this subject. I just wonder whether I am conflicted in that respect.

The Bailiff:

No, you are not, because this is a decision as to whether we plan the matter for debate this week or not next week. It is not a decision in which you have a direct interest. It is not a question of if it is debated. It is a question of when and it is not, in any sense, a financial interest as far as I am aware so, no, you do not have a conflict. Very well, if Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted. Therefore P.8 will be dealt with during the course of this sitting.

POUR: 37		CONTRE: 7		ABSTAIN: 0
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator T.A. Vallois		Connétable of St. Peter		
Senator K.L. Moore		Deputy J.A. Martin (H)		
Senator S.W. Pallett		Deputy J.M. Maçon (S)		
Senator S.Y. Mézec		Deputy S.J. Pinel (C)		

Connétable of St. Helier		Deputy S.M. Wickenden (H)		
Connétable of St. Saviour		Deputy L.B.E. Ash (C)		
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Those voting contre in the link are: Deputy Pinel, Deputy Wickenden, Deputy Martin, Deputy Ash, Senator Ferguson and the Connétable of St. Peter.

The Bailiff:

Very well, we now resume.

8. Covid-19 hospital patients visitor access (P.8/2022) - Bring forward on Order Paper

8.1 Deputy M. Tadier:

Excuse me, Sir. It is me again. I put a comment in the chat earlier but could we now resolve whereabouts on the Order Paper this is taken? I would propose that it is taken as the first item tomorrow morning and the reason for that is twofold. I think that it is important that we get this resolved as swiftly as possible so that the staff on the ward, the patients and visitors know where they are with the matter and it can be resolved. But, secondly, I know that the Minister wants to put comments in and I think that there should have been a sound enough written rationale provided up until now to justify the decision which could be shared with us by tomorrow morning, so the Minister would have overnight to do that rather than taking it as the first item now.

The Bailiff:

So you would like to make a proposition to deal with the matter as the first item tomorrow morning.

Deputy M. Tadier:

Yes, please.

The Bailiff:

If that proposition fails, then it will remain unchanged from its current listing, which is at the end of the week. In other words, we cannot have a succession of propositions to say: “Well, if not tomorrow morning, tomorrow afternoon. If not tomorrow afternoon, then Wednesday morning.” I think it needs to be ...

Deputy M. Tadier:

I think that is right, Sir.

The Bailiff:

Very well. You have made that proposition then. Is it seconded? [**Seconded**]

8.1.1 Senator J.A.N. Le Fondré:

Sorry to come in, Sir, but while I do not have any great issues with the principle of debating this during the course of this sitting, it was only lodged yesterday in terms of the wording. We make the point against clinical advice to deal with an outbreak and yet the Deputy is literally suggesting essentially that we have been debating this something like ... I am trying to do the maths, but I would say 16 hours from now, give or take. I think it is appalling and frankly, I think the Minister for Health and Social Services, as the Deputy himself said, is respectful of having the debate. I am pleased we are trying to have an informed debate but the Minister for Health and Social Services did say it was supportive on the basis that it was in the order that it was on the Order Paper, which was the last item. I think we should stick with that and very strongly stick with that at the very least in an attempt to have an informed debate.

8.1.2 Deputy J.A. Martin:

Yes, I absolutely agree. When Deputy Tadier was summing up, he sort of completely changed the goalposts from what C.O.M. (Council of Ministers) were told exactly a week ago today as to why urgent visiting needs are stopped because, when people were being asked, there was quite a bit of abuse to staff of all different levels. Deputy Tadier said that he has had a conversation and that is not right. Now we are making a medical decision here. I want the best and most up-to-date information and the Minister for Health and Social Services said he was quite happy for the debate to go ahead. Obviously different to me but it looks like it is going ahead now but I want it to go at the end when I know that the best medical advice has come from the hospital and it has been gathered together, as the Minister said, at the end of the sitting. So I certainly cannot go for tomorrow morning. Be very careful. We have just had 2 completely conflicted stories. I want to know which one is right. I am

not putting anyone in danger and I do not think anybody else would want to do that so if we can get the best advice from the Minister and then we vote.

8.1.3 Deputy K.C. Lewis:

My apologies if I have misheard, but to my reckoning, the Minister for Health and Social Services I believe stated that he would be happy to accept it as long as it was at the very end of business on this particular occasion and greeted by silence. I assumed that was accepted and I voted pour on that understanding.

8.1.4 Senator T.A. Vallois:

I just want to make a couple of comments with regards to the arguments that have been made by Deputy Martin or the Chief Minister in regards to why this cannot be debated sooner. So as I understand it, this is in regards to COVID restrictions and, as I understand, COVID restrictions were in part debated over the last 20 months. There are a number of requirements that have not required such expectations as Deputy Martin and the Chief Minister have stated in their exclamations during this debate around the requirements for how and why we do certain things on clinical grounds. Whether that is minutes through S.T.A.C. (Scientific and Technical Advisory Cell) or whether that is through questions in the States Assembly, that position might be differentiated from different people. So I am not convinced of the argument that is being made from the Executive as to why I should not support this proposition in terms of allowing it to go ahead sooner rather than later.

8.1.5 Senator S.Y. Mézec:

I am looking at the wording of the proposition which Deputy Tadier has lodged, which says in it very clearly that it is about: "... urgently putting a system in place which keeps people who have COVID out of hospital and not able to visit people but allows people who do not have COVID to be able to go into hospital and, as a matter of urgency, the Minister should instigate a robust system." So just reading that wording, it strikes me that we are not about to enter a debate about risk because it is factored into the wording of the proposition that this should be done in a way which is risk free. So what I think the crucial point here is that should sway us into enabling this debate to go ahead or not is this is about whether we consider this a matter that is worth urgently being considered or one that can be considered at leisure by the Government, while we know there are people in hospital whose well-being is being severely impacted by the fact that many of them who are vulnerable and going through extremely difficult times are not able to have people come and visit them who may be perfectly safe to go into the hospital and visit them. It strikes me that the earlier we can give an indication on whether we want an urgent approach or a non-urgent approach is surely better for those health professionals so they know what steer they are going to get so that they can go on and both instigate a robust system and do so urgently. So some of the messaging that has crept into this debate about the risk I think is misplaced because it is factored into the wording of this proposition that it is not about that. So I think that it is fair to ask us to deal with this point as early as possible so we can give that steer to the health professionals who can then go on and instigate that system. Leaving it for days on end means that we are leaving the vulnerable in the hospital hanging and not knowing sooner rather than later whether they are going to have the support of their loved ones in person in hospital to help them get through the difficult things that they are, and this is something that matters a great deal. It is okay to a small number of people but to a small number of people whose interest we really ought to be considering, and considering quickly, so I would urge Members to support the proposition to debate this tomorrow morning.

8.1.6 Deputy I. Gardiner:

I do believe it is urgent and the urgency was raised that the proposition was lodged yesterday and we are debating it for tomorrow or the day after tomorrow. We have 29 people with COVID in the

hospital and I do believe we need to debate this proposition with a bit more information also from the health side. We are all agreed that people should be allowed to visit people in the hospital. It is not about people visiting or not visiting. It is about creating a robust system. On the procedural matter, I had a full day yesterday and I started to consider this proposition last night when I become aware and I am not sure if I will do it or not. Probably not. But it is an option for Members to put an *en bloc* amendment, I have done it twice. Maybe the Government would like to put an amendment. The first thing that came into my mind maybe if we were to add 2 or 3 people with presenting how they seek confirmation or maybe comply. I do not know. I am not suggesting but I think it is just fair to give the Government at least 24 hours or 48 hours to consider this matter, and it is urgent, and to come back to us with a bit more information. So I agree we have to debate this urgently but I do not think that it needs to be debated first thing tomorrow morning because everyone should consider if anything else that needs to be done with the proposition that was launched just yesterday.

8.1.7 Senator I.J. Gorst:

Well, I am pleased to follow the last speaker because she really encapsulated everything that I wanted to say. It is urgent but it would be inappropriate for us to take it tomorrow morning. If the Deputy wished to say we start it at the end of the day or we take it as the first item on Thursday morning, that would allow considered comments to be made because we are talking, in reality, about saying that the hospital would have to put in place a testing regime which would have a significant detrimental effect on visitors as well.

[17:00]

For example, a visitor going to the pharmacy to drop off a prescription and then going later in the day to pick it up would have to of course have 2 tests if we were going to deal with it appropriately. How would we test individuals? Let us say, for argument's sake, there are between 400 and 500 individuals that go into the hospital precinct during the course of 24 hours. Regarding the logistics of such a holding pen where people were sat together and tested is one might test negative and another might test positive. How is that to be managed because that is what the Deputy is asking for? I think it would do a disservice to his request if we did not allow the Minister for Health and Social Services and his officials to provide a thoughtful and practical approach one way or the other. So in the words of Deputy Gardiner, it is urgent, we do need to debate it but we will not have the best debate and we will not be able to deal with it appropriately. I, for one, if we have to take it tomorrow, will simply say: "We stick with where we are." It might be the minds that help them come up with a solution over the course of the next day but we would not be allowing them to do that if we took the debate first thing in the morning..

8.1.8 Deputy S.J. Pinel:

This follows neatly on from Senator Gorst inasmuch as just for the Assembly's information, we have a C.A.M. (Competent Authorities Ministers) meeting tomorrow lunchtime which was organised last week because we agreed, because of the COVID infection in the hospital, that we would close the hospital for a week to non-essential visitors, and I must make that quite clear. There were many exceptions to the visitors allowed in with maternity and end-of-life care just to mention a couple. So we are having a meeting anyway tomorrow lunchtime to decide and be advised by the scientific and medical staff. Why have those experts if you are not going to take their advice, which is what we did because of the infection on the ward? So we are meeting tomorrow lunchtime to review that decision so it could be decided without this proposition anyway. That is just my opinion. The second one is just operational, Sir, and wanting your advice that if we start the changes to the Ann Alice Rayner Fund this afternoon in the next 10 minutes or so, would that then be put off until after this proposition tomorrow? I am not quite clear where we would go with it so I would like your advice please.

The Bailiff:

I think the reality of the situation is that if we start debating a substantial piece of work now, it would not be good order other than in truly emergency circumstances to interrupt that debate. So I think the reality of Deputy Tadier's proposition is that if we started the Ann Alice Rayner Fund now, it would follow on after the end of that debate, whenever that might be, because I am not sure that it is practical or in good order to do it otherwise. That is my provisional ruling on that.

8.1.9 Deputy J.H. Young:

Just following on briefly from Deputy Gardiner, I think Deputy Gardiner was spot on there. As a non-competent Minister, obviously I had an opportunity to take part in this Council of Ministers decision that brought this in. I personally went along with it and endorsed it because of the clinical advice that experience has been that a number of vulnerable patients had picked up the infection from visitors and that there had been incidents of abuse and so on, but I did ask for 2 things. I asked for exceptions because there will be exceptional cases, and we have heard some of those, but I also asked for assistance. So I said: "Having it for a week, it gives a week for the Minister for Health and Social Services to come up with a system" because I do not think it is impossible to solve the problems that Senator Gorst has come up with and I think that the Minister for Health and Social Services should be given 24 hours to come up with a way in which to do that. They have many ways they can organise some system, and that is what we are talking about. We are not talking about people hanging around corridors. We are talking about going on to wards where there are vulnerable people who are in care, who have been checked out properly, and they are not carrying the infection. I think we need to make sure of that so I would put that at 24 hours at least if that means at the end of tomorrow afternoon. I am not going to vote for Deputy Tadier saying that we do it first thing tomorrow. The Minister for Health and Social Services needs time to be able to sort that out.

8.1.10 The Deputy of St. Ouen:

I believe it was incumbent on Deputy Tadier, when making his first application, to tell us that he intended to make a second application. It was the case that I think he reasonably assumed that it would follow the normal rule that an item lodged late, and which had been given, would be taken at the end of the list. Deputy Tadier did not advise us to the contrary. I confirm, as I said, that I have an infection control team contributing to a comments paper but of course they have had all sorts of other issues to deal with which are not purely managerial. They are clinical people managing COVID in a general hospital. I would like to give them sufficient time to put together a reasoned explanation of their best advice and, therefore, I ask again that we take this item at the end of the Order Paper.

8.1.11 Senator K.L. Moore:

Without wanting to prolong this at all, I do have some sympathy for the Minister for Health and Social Services. However, it does puzzle me. This is not a brand new issue. This is an issue that has been a matter of public discussion and debate for a considerable number of days. Therefore one would have expected a health service that is focused on delivery and delivering for its patients and the community of the Island to have come up with these solutions prior to being forced to do so by a debate of this nature. I would be supporting Deputy Tadier's move to be debated after the Ann Alice Rayner Fund proposition.

8.1.12 Deputy R.J. Ward:

I must say it is always interesting to see. There are times when I wonder whether there is opposition to certain things from Deputy Tadier for the sake of opposition from the Government. If you read the proposition it is very well-worded: "To agree that people who do not have COVID-19 should be allowed to visit people in hospital and to request, as a matter of urgency, the Minister for Health and Social Services to instigate a robust system to keep people who do have COVID-19 from visiting

people in hospital.” One of the comments I will make is that Senator Gorst seemed to be mixing things up very well, which I think is a common approach when you want to undermine a proposition. But we are not talking about people just going in to collect things. We are talking about people visiting those who are in hospital. We have talked about the balance of risks so often in this pandemic and the risk of people being isolated in hospital if they are ill and needing their loved ones near them is a great risk. We have a lateral flow testing system. I, for one, whenever I go to any event at the moment I am testing daily because I meet constituents, to try and be as safe as we possibly can with masks on. I test every day with a lateral flow test to confirm that I have not got COVID and I am triple vaccinated, et cetera. These are possible, they are doable. The schemes are there. Yet again, what we are getting from Government is an over-complication. Let us bide time so we can put a comments paper together to undermine. Deputy Tadier has had to bring this to the Assembly because he is genuinely concerned about what is happening with this blanket ban. Let us remember that. Let us see the good in that. Let us see the positive nature in that and the genuine underlying concern that this is developed from. I think the earlier we debate this the better. The other way to look at this is then it gives the Health Department more time to act upon it. Therefore, debating quickly after the Ann Alice Rayner Fund would be the best thing to do here, rather than waiting a day and a half so that we can use yet another comments paper that undermines. We have seen this so often in Government. What we actually want is some action to enable people to have the best outcomes.

8.1.13 The Connétable of St. Ouen:

I am firstly delighted that Deputy Ward is doing his lateral flow tests before he goes to hospital because the last few days, as Members will know, when I have circulated anywhere around is that is not the case for a lot people. My elderly parents ended up in hospital and in fact both have now got COVID, as have a number of my other relatives, and they tested negative before they went in. I think there are some serious issues. I, for one, would want to wait at least to give the Minister for Health and Social Services 24 hours to consider those issues and come back and tell us that he is able to put in place a robust system to make sure that COVID is not brought into the hospital. Because I can assure you that I am seriously concerned because I am now faced with a situation where my elderly father, who went home with COVID, has now had to go back into hospital with complications. I do not think we should underestimate the risks involved. Yes, I am very pleased Deputy Tadier has brought this proposal because I think it is a debate that we have to have. But I think we need to consider all the facts before we have the debate so that we can make a sound and balanced judgment as to whether we approve his suggestion, which I think is very sensibly worded, but I think we need to give the Minister for Health and Social Services a chance to consider the options in front of him and come back to tell us that he can do it. Because what I see at the moment is certainly precautions are not happening, from what I have seen, with very patchy requests for test results and indeed stories of people wandering into the wards who have COVID and spreading it around among the patients. I think we should not underestimate the difficulty and we need to make sure that what we both want is based on facts the Minister for Health and Social Services I am sure will supply us within the next day or so.

8.1.14 Deputy K.F. Morel:

I agree with Deputy Ward that this is a good proposition. I agree with many of the previous speakers that it is right that we debate it. But like, I believe, every other Member in the States at the moment I am not a health professional. I do not have a great deal of health experience in terms of treating or preventing disease, and so I want to make the right decision for the Island. I cannot do that as an individual States Member if I do not hear what the Minister for Health and Social Services and his officers have to say about the proposition that will be in front of us. For that reason alone, the desire to make the right decision, get the facts before me, as an individual States Member, I have to say that I believe it is wrong to rush this in this way.

8.1.15 Deputy G.P. Southern:

The 3 key words for me in this debate about the debate is as a “matter of urgency”, and I believe that is what we should look at. We need to get on with this, we need to show that we are getting on with it, and helping people sort it out is what we are here for.

8.1.16 The Connétable of St. John:

I supported the proposal to take this proposal at this meeting. I think it is important that we make an informed decision. I am prepared to wait a few hours for us to have the complete information rather than taking it first thing. I should also like to give the competent authorities Ministers the opportunity to resolve the issue tomorrow and that may negate the need for a debate. A few hours delay to get this adopted is worth waiting for.

The Bailiff:

Does any other Member wish to speak on this proposition? No other Member wishes to speak, I close the debate and call on Deputy Tadier to respond?

8.1.17 Deputy M. Tadier:

I thank Members for their mostly considered comments. There are a couple of things that really worry me here and I think some Members have acknowledged and realised that this is an urgent issue. There is an alarm bell when I hear the argument being put forward by the Minister for Health and Social Services and others ... he is saying we need a reasonable explanation of their advice. We need a reasoned explanation of their advice, i.e. the health professionals, as to why they made a decision to stop visits. It is worrying that the Minister does not know or have that reasoned explanation already because when you make such a serious decision about stopping visits to people who would normally be able to visit, and it is not just about the visitors, it is about the patients being able to receive visits as well, which is normally one of their fundamental human rights under Article 8 as well as just a common-sense normal thing to have.

[17:15]

That should have been done with a reasoned explanation and it suggests to me that the Council of Ministers did not make this decision and that the Minister for Health and Social Services did not make this decision, and that it has been foisted upon them, upon us and upon the public, without us knowing why that has happened. I am glad that Deputy Ward has addressed some of the muddying of the waters that took place with Senator Gorst’s arguments because the proposition quite clearly states that this is about people visiting other people in the hospital. If you go into hospital to pick up a prescription you are not visiting somebody on a ward, you are going in there to pick up a prescription. You are a patient who has a legitimate reason. This proposition is not about stopping people who already go into the hospital and are allowed to go in the hospital routinely for professional or for patient purposes. This is about resuming visits for people who do not have COVID to visit other people who do not have COVID. Much more importantly, it is about putting a robust system in place as far as possible that stops any further spread of COVID. I will give one example about why I think this is so urgent that it needs to be taken as the first item. I have been told by the Minister that there are exemptions that apply and when I said: “Who do you have to ask to get an exemption?” he said you have to ask the ward staff. Again, that is really alarming. If you have to apply to the ward staff, presumably over the phone, to say: “Look, I want to be able to go in to visit my elderly sick husband” or wife or relative. First of all, even if you have the wherewithal to do that, which not everybody will, even if you can get through on the phone, it does not mean that you will be allowed to go in and see them. Imagine somebody going up to the ward and saying: “I have been told that I have to come here to speak to you to get an exemption because my husband is vulnerable, here is my lateral flow test.” That can happen now. Somebody could go up to the ward and do that tomorrow

and create a scene on the ward even though all they are trying to achieve is their right to be able to be given an exemption by the ward staff. This whole situation needs to be cleared up as soon as possible and my concern is that what we are being asked for here is that the Government need to get their story straight because they do not really know why these visitor restrictions are being put in place. To address the comments to Deputy Martin specifically, is that I was as surprised as she was when I spoke to the Minister for Health and Social Services and he said: “Oh no, the reason we have put these restrictions in place is because we have now got COVID on the wards and we do not want visitors to catch COVID.” That was not what he said previously. We were led to believe that the reason for the restrictions being put in place is because visitors were not presenting tests and that they were spreading COVID on to the wards. But in fact now the arguments seem to have changed. If the Ministers really need time to get their story straight and provide the facts to us, that is fine, but these facts should have been presented on 12th January, at a time when this decision was made, and there should have been a written reasoning as to why this was a justified and proportionate decision, which already existed, which could then simply be presented to us as States Members now to have an informed debate tomorrow. I am quite prepared on my side to give a reasoned and informed debate tomorrow morning but I understand that if the Minister is not able to do that I respect his point of view. Without wanting to labour the point, I do maintain the proposition and I do that because I think it is important to get this resolved as soon as possible. But I do caveat that I have always said throughout this process on the Thursday, Friday, when I was in conversation with the Minister for Health and Social Services and other Members, that the department can come up with a workable system that enhances the position that they are in and allows visits to resume safely, that they should do that. I would also encourage the Minister for Health and Social Services’ colleagues to provide him with the resources that he needs to do that securely and effectively, if there is any way to avoid this debate from happening. I make the proposition.

The Bailiff:

Thank you very much, Deputy. I ask the Greffier to place a voting link into the chat.

Deputy S.J. Pinel:

May I ask what is the proposition now please?

The Bailiff:

The proposition is, in effect, to take Deputy Tadier’s proposition as the first item of business tomorrow morning unless, which looks increasingly unlikely, we had started the Ann Alice Rayner debate, in which case we would wait for the conclusion of that debate. But it now looks as if timing makes the starting of the Ann Alice Rayner debate possibly unlikely, but it will be the first new item of business in any event. Hopefully that is clear. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been defeated.

POUR: 12		CONTRE: 32		ABSTAIN: 0
Senator L.J. Farnham		Senator I.J. Gorst		
Senator T.A. Vallois		Senator S.C. Ferguson		
Senator K.L. Moore		Senator J.A.N. Le Fondré		
Senator S.Y. Mézec		Senator S.W. Pallett		
Connétable of St. Mary		Connétable of St. Helier		
Deputy G.P. Southern (H)		Connétable of St. Brelade		
Deputy M. Tadier (B)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of St. Peter		

Deputy L.M.C. Doublet (S)		Connétable of St. Ouen		
Deputy M.R. Le Hegarat (H)		Connétable of St. Martin		
Deputy R.J. Ward (H)		Connétable of St. John		
Deputy C.S. Alves (H)		Connétable of St. Clement		
		Deputy J.A. Martin (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy R. Labey (H)		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B.E. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of St. John		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy I. Gardiner (H)		

Deputy Tadier asks for the pour votes to be read.

The Deputy Greffier of the States:

Those voting pour: Deputy Ward, Deputy Doublet, Senator Mézec, Senator Moore, Deputy Alves, Senator Vallois, Deputy Le Hegarat, Senator Farnham, Deputy Tadier, Deputy Southern, the Connétable of St. Mary and Deputy Higgins.

The Bailiff:

Consequently the debate on Deputy Tadier's proposition will take place at the end of Public Business where it is currently fixed. It is now 5.22 p.m. and we have not yet started the process of dealing with the Ann Alice Rayner Fund. If we were to do so then the Minister would need to deliver the speech and very possibly go well after 5.30 p.m. I suppose I am inviting if any Member wishes to propose the adjournment.

Senator K.L. Moore:

May I propose the adjournment?

The Bailiff:

I am afraid I took rather a long time to get there but the adjournment is proposed and it appears to have general accord. The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:23]