

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 4th JULY 2023

COMMUNICATIONS BY THE PRESIDING OFFICER..... 9

1.1 Welcome to His Excellency the Lieutenant Governor 9

QUESTIONS..... 9

2. Written Questions..... 9

2.1 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding States of Jersey employees leaving the organisation (WQ.275/2023)..... 9

2.2 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding staff statistics in Health and Community Services (WQ.276/2023) 10

2.3 Deputy M.R. Le Hegarat of St. Helier North of the Minister for Home Affairs of regarding Road Traffic Collisions (WQ.277/2023) 12

2.4 Deputy L.V. Feltham of St. Helier Central of the Chief Minister regarding individuals who are resident in the Island under Regulation 2(1)(e) (WQ.278/2023) 13

2.5 Deputy C.A. Alves of St. Helier Central of the Minister for Health and Social Services regarding the Substance Use Strategy Report (WQ.279/2023) 14

2.6 Deputy S.Y. Mézec of St. Helier South of the Minister for Treasury and Resources regarding the new Tenant Non-Executive Director on the Board of Andium Homes (WQ.280/2023) 15

2.7 Deputy M.B. Andrews of St. Helier North of The Minister for Home Affairs regarding legislation to protect the identity of individuals who face being prosecuted for rape (WQ.281/2023) 15

2.8 Deputy M.B. Andrews of St. Helier North of the Minister for Social Security regarding Health Insurance Fund expenditure (WQ.282/2023)..... 16

2.9 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding the number of managers employed in the Health and Community Services department (WQ.283/2023) 17

2.10 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding working from home arrangements (WQ.284/2023)..... 17

2.11 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding newly qualified teachers (WQ.285/2023)..... 18

2.12 Deputy R.J. Ward of St. Helier Central of The Minister for Housing and Communities regarding future Housing policy (WQ.286/2023)..... 19

2.13 Deputy R.J. Ward of St. Helier Central of the Minister for Infrastructure regarding LibertyBus (WQ.287/2023) 20

2.14 Deputy R.S. Kovacs of St. Saviour of the Minister for Health and Social Services regarding knee and hip operations(WQ.288/2023)..... 20

2.16 Deputy R.S. Kovacs of St. Saviour of the Chief Minister regarding businesses and employment licences (WQ.290/2023) 23

| | |
|--|-----------|
| 2.16 Deputy M.B. Andrews of St. Helier North of the Minister for Economic Development, Tourism, Sport and Culture regarding current and capital account information (WQ.290/2023) | 29 |
| 2.17 Deputy M.B. Andrews of St. Helier North of the Minister for the Environment regarding a Planning Appeals Board (WQ.291/2023) | 30 |
| 2.18 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding accommodating private healthcare within the new healthcare facilities project (WQ.292/2023) | 30 |
| 2.19 Deputy S.G. Luce of Grouville and St. Martin of the Minister for the Environment regarding average sea temperatures (WQ.293/2023)..... | 31 |
| 2.20 Deputy G.P. Southern of St. Helier Central of the Chief Minister regarding the Government's continuing commitment to 'putting children first' (WQ.294/2023) | 31 |
| 2.21 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding staffing at the Department of Children, Young People, Education and Skills (WQ.295/2023) | 37 |
| 2.22 Deputy R.J. Ward of St. Helier Central of the Minister for the Environment regarding the e-bike subsidy (WQ.296/2023) | 38 |
| 2.23 Deputy R.J. Ward of St. Helier Central of the Minister for the Environment regarding the Carbon Neutral Fund (WQ.297/2023) | 39 |
| 2.24 Deputy L.J. Farnham of St. Ouen, St. Mary and St. Peter of the Minister for Treasury and Resources regarding the cost of the proposed New Healthcare Facilities(WQ.298/2023) | 39 |
| 2.25 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding the recruitment model applied for both the interim and permanent Chief Executive (WQ.299/2023) | 40 |
| 2.26 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding training of 8D problem-solving and closed loop processes (WQ.300/2023) | 42 |
| 2.27 Deputy M.R. Scott of St. Brelade of the Minister for the Environment regarding the Planning Committee (WQ.301/2023) | 42 |
| 2.28 Deputy L.V. Feltham of St. Helier Central of the Chief Minister regarding High Value Residents' residency (WQ.301/2023) | 47 |
| 2.29 Deputy R.S. Kovacs of St. Saviour of the Minister for Economic Development, Tourism, Sport and Culture regarding the Cost of Living Strategy Group and the Inflation Strategy Group (WQ.303/2023) | 48 |
| 3. Oral Questions | 49 |
| 3.1 Deputy L.V. Feltham of St. Helier Central of the Chair of the States Employment Board regarding retention payments (OQ.133/2023)..... | 49 |
| Connétable A.N. Jehan of St. John (Vice-Chair, States Employment Board - rapporteur): | 49 |
| 3.1.1 Deputy L.V. Feltham: | 49 |
| 3.1.2 Deputy R.J. Ward of St. Helier Central: | 49 |
| 3.1.3 Deputy R.J. Ward: | 50 |
| 3.1.4 Deputy M. Tadier of St. Brelade: | 50 |
| 3.1.5 Deputy M. Tadier:..... | 50 |
| 3.1.6 Deputy G.P. Southern of St. Helier Central:..... | 50 |
| 3.1.7 Deputy G.P. Southern: | 50 |
| 3.1.8 Deputy T.A. Coles of St. Helier South: | 51 |
| 3.1.9 Deputy L.V. Feltham: | 51 |

| | |
|--|-----------|
| 3.2 Deputy A. Howell of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding the Health and Community Services Interim Board (OQ.128/2023) | 51 |
| Deputy K. Wilson of St. Clement (The Minister for Health and Social Services): | 51 |
| 3.2.1 Deputy A. Howell: | 51 |
| 3.3 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding Government cost-saving achievements (OQ.129/2023) | 51 |
| Deputy K.L. Moore (The Chief Minister): | 51 |
| 3.3.1 Deputy M.R. Scott: | 52 |
| 3.3.2 Deputy M. Tadier: | 52 |
| 3.3.3 Deputy M. Tadier: | 52 |
| 3.3.4 Deputy S.Y. Mézec of St. Helier South: | 53 |
| 3.3.5 Deputy S.Y. Mézec: | 53 |
| 3.3.6 Deputy L.V. Feltham: | 53 |
| 3.3.7 Deputy L.V. Feltham: | 53 |
| 3.3.8 Deputy G.P. Southern: | 54 |
| 3.3.9 Deputy M.R. Scott: | 54 |
| 3.4 Deputy G.P. Southern of the Chief Minister regarding relative poverty of children (OQ.137/2023) | 55 |
| Deputy K.L. Moore (The Chief Minister): | 55 |
| 3.4.1 Deputy G.P. Southern: | 55 |
| 3.4.2 Deputy R.J. Ward: | 55 |
| 3.4.3 Deputy R.J. Ward: | 56 |
| 3.4.4 Deputy S.Y. Mézec: | 56 |
| 3.4.5 Deputy S.Y. Mézec: | 56 |
| 3.4.6 Deputy G.P. Southern: | 56 |
| 3.5 Deputy S.Y. Mézec of the Minister for Children and Education regarding the States Employment Board pay policy for teachers (OQ.141/2023) | 57 |
| Connétable R.P. Vibert of St. Peter (Assistant Minister for Children and Education - rapporteur): | 57 |
| ADJOURNMENT | 57 |
| 3.5.1 Deputy S.Y. Mézec: | 58 |
| 3.5.2 Connétable A.S. Crowcroft of St. Helier: | 59 |
| 3.5.3 Deputy G.P. Southern: | 59 |
| 3.5.4 Deputy G.P. Southern: | 59 |
| 3.5.5 Deputy R.J. Ward: | 59 |
| 3.5.6 Deputy R.J. Ward: | 60 |
| 3.5.7 Deputy L.V. Feltham: | 60 |
| 3.5.8 Deputy L.V. Feltham: | 60 |
| 3.5.9 Deputy M. Tadier: | 60 |
| 3.5.10 Deputy M. Tadier: | 61 |
| 3.5.11 Deputy S.G. Luce of Grouville and St. Martin: | 61 |
| 3.5.12 Deputy S.Y. Mézec: | 61 |
| 3.6 Deputy T.A. Coles of the Minister for External Relations regarding agreements signed with France (OQ.135/2023) | 61 |

| | |
|--|-----------|
| Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (Assistant Minister for External Relations - rapporteur): | 62 |
| 3.6.1 Deputy T.A. Coles: | 62 |
| 3.6.2 Deputy M. Tadier:..... | 62 |
| 3.6.3 Deputy M. Tadier:..... | 62 |
| 3.6.4 Connétable M.K. Jackson of St. Brelade: | 63 |
| 3.6.5 The Connétable of St. Helier: | 63 |
| 3.6.6 The Connétable of St. Helier: | 63 |
| 3.6.7 Deputy M.R. Scott: | 63 |
| 3.6.8 Deputy S.G. Luce: | 64 |
| 3.6.9 Deputy T.A. Coles: | 64 |
| 3.7 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding non-sector entities and the publishing of information on gender pay (OQ.126/2023) | 64 |
| Deputy K.L. Moore (The Chief Minister):..... | 64 |
| 3.7.1 Deputy M. Tadier:..... | 64 |
| 3.7.2 Deputy M. Tadier:..... | 65 |
| 3.7.3 Deputy M.R. Scott: | 65 |
| 3.8 Deputy R.J. Ward of the Minister for Children and Education regarding recruitment and retention within education (OQ.131/2023)..... | 65 |
| The Connétable of St. Peter (Assistant Minister for Children and Education - rapporteur): | 65 |
| 3.8.1 Deputy R.J. Ward: | 66 |
| 3.8.2 Deputy S.Y. Mézec:..... | 66 |
| 3.8.3 Deputy S.Y. Mézec:..... | 66 |
| 3.8.4 Deputy G.P. Southern: | 66 |
| 3.8.5 Deputy G.P. Southern: | 67 |
| 3.8.6 Deputy R.J. Ward: | 67 |
| 3.9 Deputy C.S. Alves of the Minister for Health and Social Services regarding MRI scans (OQ.139/2023) | 67 |
| Deputy K. Wilson (The Minister for Health and Social Services):..... | 67 |
| 3.9.1 Deputy C.S. Alves: | 67 |
| 3.9.2 Deputy R.J. Ward: | 67 |
| 3.9.3 Deputy R.J. Ward: | 68 |
| 3.10 Deputy B.B. de S.DV.M Porée of St. Helier South of the Minister for the Environment regarding schemes to encourage move from cars to public transport (OQ. 143/2023)68 | 68 |
| Deputy J. Renouf of St. Brelade (The Minister for the Environment):..... | 68 |
| 3.10.1 Deputy R.J. Ward: | 69 |
| 3.10.2 Deputy R.J. Ward: | 69 |
| 3.10.3 Deputy T.A. Coles:..... | 69 |
| 3.10.4 Deputy L.V. Feltham:..... | 70 |
| 3.10.5 Deputy L.V. Feltham:..... | 70 |
| 3.10.6 Deputy G.P. Southern: | 70 |
| 3.11 Deputy T.A. Coles of the Minister for Treasury and Resources regarding UK firms charging VAT and GST (OQ.142/2023) | 70 |
| Deputy I.J. Gorst (The Minister for Treasury and Resources):..... | 71 |
| 3.11.1 Deputy R.J. Ward: | 71 |
| 3.11.2 Deputy R.J. Ward: | 71 |

| | |
|--|-----------|
| 3.12 Deputy S.Y. Mézec of the Minister for Health and Social Services regarding an update on the audit of Rheumatology Services (OQ.142/2023) | 71 |
| Deputy K. Wilson (The Minister for Health and Social Services):..... | 71 |
| 3.12.1 Deputy S.Y. Mézec: | 72 |
| 3.12.2 Deputy T.A. Coles:..... | 72 |
| 3.13 Deputy M.R. Scott of the Chief Minister regarding increased productivity by the Government (OQ.130/2023) | 72 |
| Deputy K.L. Moore (The Chief Minister):..... | 72 |
| 3.13.1 Deputy M.R. Scott:..... | 73 |
| 3.13.2 Deputy G.P. Southern: | 73 |
| 3.13.3 Deputy G.P. Southern: | 73 |
| 3.13.4 Deputy R.J. Ward: | 73 |
| 3.13.5 Deputy R.J. Ward: | 74 |
| 3.13.6 Deputy M.R. Scott:..... | 74 |
| 3.14 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the impact of increases of UK Bank Rate on Jersey households (OQ.138/2023) | 75 |
| Deputy I.J. Gorst (The Minister for Treasury and Resources):..... | 75 |
| 3.14.1 Deputy G.P. Southern: | 75 |
| 3.14.2 Deputy L.V. Feltham:..... | 76 |
| 3.14.3 Deputy L.V. Feltham:..... | 76 |
| 3.14.4 Deputy M.R. Scott:..... | 76 |
| 3.14.5 Deputy G.P. Southern: | 76 |
| 3.15 Deputy R.J. Ward of the Chair of the States Employment Board regarding the recruitment and retention crisis (OQ.132/2023) | 77 |
| The Connétable of St. John (Vice-Chair, States Employment Board - rapporteur):..... | 77 |
| 3.15.1 Deputy R.J. Ward: | 77 |
| 3.15.2 Deputy S.Y. Mézec: | 77 |
| 3.15.3 Deputy S.Y. Mézec: | 77 |
| 3.15.4 Deputy M. Tadier: | 78 |
| 3.15.5 Deputy G.P. Southern: | 78 |
| 3.15.6 Deputy M.B. Andrews: | 78 |
| 3.15.7 Deputy M.R. Scott:..... | 78 |
| 3.15.8 Deputy R.J. Ward: | 79 |
| 3.16 Deputy L.V. Feltham of the Chair of the States Employment Board regarding actions taken to address concerns of teachers (OQ.134/2023) | 79 |
| The Connétable of St. John (Vice-Chair, States Employment Board - rapporteur):..... | 79 |
| 3.16.1 Deputy L.V. Feltham:..... | 79 |
| 3.16.2 Deputy R.J. Ward: | 79 |
| 3.16.3 Deputy R.J. Ward: | 80 |
| 3.16.4 Deputy L.V. Feltham:..... | 80 |
| 3.17 Deputy C.S. Alves of the Minister for Infrastructure regarding Active Card membership (OQ.140/2023) | 80 |
| Deputy L. Stephenson of St. Mary, St. Ouen and St. Peter (Assistant Minister for Infrastructure - rapporteur): | 81 |
| 3.17.1 Deputy C.S. Alves:..... | 81 |
| 3.17.2 Deputy R.J. Ward: | 81 |

| | | |
|-----------|--|-----------|
| 3.17.3 | Deputy R.J. Ward: | 81 |
| 3.17.4 | Deputy M. Tadier: | 82 |
| 4. | Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture | 82 |
| 4.1 | Deputy R.J. Ward: | 82 |
| | Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Economic Development, Tourism, Sport and Culture): | 82 |
| 4.1.1 | Deputy R.J. Ward: | 83 |
| 4.2 | Deputy S.G. Luce: | 83 |
| 4.3 | Deputy C.D. Curtis of St. Helier Central: | 83 |
| 4.3.1 | Deputy C.D. Curtis: | 84 |
| 4.4 | Deputy G.P. Southern: | 84 |
| 4.5 | Deputy M.R. Scott: | 84 |
| 4.5.1 | Deputy M.R. Scott: | 84 |
| 4.6 | Connétable K.C. Lewis of St. Saviour: | 85 |
| 4.6.1 | The Connétable of St. Saviour: | 85 |
| 4.7 | Deputy M. Tadier: | 85 |
| 4.7.1 | Deputy M. Tadier: | 86 |
| 4.8 | Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter: | 86 |
| 5. | Questions to Ministers without notice - The Minister for Social Security | 86 |
| 5.1 | Deputy B.B. de S.DV.M Porée: | 86 |
| | Deputy E. Millar of St. John, St. Lawrence and Trinity (The Minister for Social Security): ... | 86 |
| 5.2 | Deputy M. Tadier: | 87 |
| 5.2.1 | Deputy M. Tadier: | 87 |
| 5.3 | Deputy M.R. Scott: | 87 |
| 5.4 | Deputy G.P. Southern: | 88 |
| 5.4.1 | Deputy G.P. Southern: | 88 |
| 5.5 | Deputy L.V. Feltham: | 88 |
| 5.5.1 | Deputy L.V. Feltham: | 89 |
| 5.6 | Deputy L.V. Feltham: | 89 |
| 5.6.1 | Deputy L.V. Feltham: | 89 |
| 5.7 | Deputy C.S. Alves: | 90 |
| 6. | Questions to Ministers without notice - The Chief Minister | 90 |
| 6.1 | Deputy M. Tadier: | 90 |
| | Deputy K.L. Moore (The Chief Minister): | 90 |
| 6.1.1 | Deputy M. Tadier: | 91 |
| 6.2 | Deputy S.G. Luce: | 91 |
| 6.2.1 | Deputy S.G. Luce: | 92 |
| 6.3 | Deputy T.A. Coles: | 92 |
| 6.3.1 | Deputy T.A. Coles: | 92 |
| 6.4 | Deputy S.Y. Mézec: | 92 |
| 6.4.1 | Deputy S.Y. Mézec: | 93 |
| 6.5 | The Connétable of St. Saviour: | 93 |
| 6.5.1 | The Connétable of St. Saviour: | 93 |
| 6.6 | Deputy M.R. Scott: | 93 |
| 6.61 | Deputy M.R. Scott: | 94 |
| | LUNCHEON ADJOURNMENT PROPOSED | 94 |

| | |
|---|------------|
| LUNCHEON ADJOURNMENT | 94 |
| STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY | 94 |
| 7. The Minister for Infrastructure will make a statement regarding the Strategic Outline Case and Feasibility Study of the New Healthcare Facilities | 94 |
| 7.1 Deputy T. Binet (The Minister for Infrastructure):..... | 94 |
| 7.1.1 Deputy S.G. Luce: | 98 |
| 7.1.2 Deputy B. Ward of St. Clement:..... | 98 |
| 7.1.3 Deputy S.Y Mézec:..... | 98 |
| 7.1.4 Deputy S.Y. Mézec:..... | 98 |
| 7.1.5 Deputy M.R. Le Hegarat of St. Helier North: | 98 |
| 7.1.6 Deputy L.J. Farnham: | 99 |
| 7.1.7 Deputy R.J. Ward: | 99 |
| 7.1.8 Deputy R.J. Ward: | 99 |
| 7.1.9 Deputy L.J. Farnham: | 100 |
| 7.1.10 Deputy C.D. Curtis:..... | 100 |
| 7.1.11 Deputy R.J. Ward:..... | 101 |
| PUBLIC BUSINESS | 101 |
| 8. Draft Taxation (Exchange of Information - Amendment) (Jersey) Regulations 202-(P.28/2023) | 101 |
| 8.1 Deputy I.J. Gorst (Assistant Minister for External Relations - rapporteur):..... | 102 |
| 8.1.1 Deputy P.M. Bailhache of St. Clement:..... | 102 |
| 8.1.2 Deputy M.R. Scott: | 103 |
| 8.1.3 Deputy I.J. Gorst:..... | 103 |
| 8.2 Deputy I.J. Gorst:..... | 105 |
| 9. Draft Income Tax (High Value Residents - Amendment) (Jersey) Law 202-(P.29/2023) | 106 |
| 9.1 Deputy I.J. Gorst (The Minister for Treasury and Resources): | 106 |
| 9.1.1 Deputy S.Y. Mézec:..... | 107 |
| 9.1.2 Connétable D. Johnson of St. Mary:..... | 107 |
| 9.1.3 Deputy M.R. Scott: | 108 |
| 9.1.4 Deputy I.J. Gorst:..... | 108 |
| 9.2 Deputy I.J. Gorst:..... | 112 |
| 9.3 Deputy I.J. Gorst:..... | 112 |
| 9.3.1 Deputy R.J. Ward: | 112 |
| 9.3.2 Deputy K.F. Morel:..... | 113 |
| 9.3.3 Deputy G.P. Southern: | 114 |
| 9.3.4 Deputy S.Y. Mézec:..... | 114 |
| 9.3.5 Deputy M.B. Andrews:..... | 114 |
| 9.3.6 Deputy I.J. Gorst:..... | 115 |
| 10. Amendment to Standing Orders - various amendments (P.30/2023) | 117 |
| 10.1 Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee): | 117 |
| 10.1.1 Deputy R.J. Ward:..... | 118 |
| 10.1.2 The Connétable of St. Martin:..... | 118 |

| | |
|--|------------|
| 11. Removal of Compulsory Independent Taxation for Existing Married Couples and Civil Partnerships (P.32/2023) - as amended (P.32/2023 Amd.) (P.32/2023 Amd.(2).) | 120 |
| | |
| 11.1 Deputy L.J. Farnham: | 122 |
| Deputy C.F. Labey of Grouville and St. Martin:..... | 125 |
| The Attorney General:..... | 125 |
| Deputy L.J. Farnham: | 125 |
| Deputy P.M. Bailhache: | 126 |
| 11.1.1 Deputy E. Millar:..... | 126 |
| 11.1.2 Deputy H. Miles of St. Brelade: | 130 |
| 11.1.3 Deputy M. Tadier: | 132 |
| 11.1.4 Deputy M.R. Scott:..... | 134 |
| 11.1.5 Deputy H. Jeune of St. John, St. Lawrence and Trinity: | 135 |
| Deputy M. Tadier: | 136 |
| The Attorney General:..... | 136 |
| Deputy M.R. Scott:..... | 137 |
| Deputy M. Tadier: | 137 |
| Deputy I.J. Gorst: | 138 |
| Deputy L.J. Farnham: | 138 |
| Deputy P.M. Bailhache: | 139 |
| ADJOURNMENT..... | 139 |

[9:31]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Deputy Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

On behalf of all Members, I would like to welcome His Excellency the Governor to the Chamber this morning. **[Approbation]**

QUESTIONS

2. Written Questions

2.1 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding States of Jersey employees leaving the organisation (WQ.275/2023)

Question

Further to the response to Written Question 159/2022, will the Chair advise how many States of Jersey employees left the organisation in each of –

- (a) 2022 Quarter 3;
- (b) 2022 Quarter 4; and
- (c) 2023 Quarter 1?

Answer

A detailed leavers analysis can be found at the following link - [wq.275-2023.pdf \(gov.je\)](https://www.gov.je/wq.275-2023.pdf).

We have applied disclosure controls to minimise the risk of disclosure of sensitive personal information, whilst maximising the utility of that data. The more detailed the breakdowns within a table, the greater the disclosure risk. Accordingly:

- The answer shows values of 1, 2, and 3 as < 3
- Reasons for leaving with a total below a threshold of 20 in any period have been aggregated into a column entitled “other” (while showing for each other category the total across government)

This presentation better accounts for the protection of personal data by minimising the ability to impute an individual’s identity, and the requirements of the Code of Practice for Statistics Code of Practice for Statistics 2019.pdf (gov.je) which includes “T6.4 Organisations should be transparent and accountable about the procedures used to protect personal data when preparing the statistics and data, including the choices made in balancing competing interests. Appropriate disclosure control methods should be applied before releasing statistics and data.”

We have followed the previously applied methodology which was reviewed and approved by The Chief Statistician (WQ159-2022). Please note that this data may differ with other leaver reporting provided in previous information requests as a result of ongoing data cleanse work being carried out by the organisation.

2.2 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding staff statistics in Health and Community Services (WQ.276/2023)

Question

Further to the response given to Written Question 157/2023, will the Chair –

- (a) explain the basis for the exclusion of certain employee groups from the data provided;
- (b) provide the statistics relating to these excluded groups;
- (c) explain why only 7.1% of staff in Health and Community Services (HCS) had performance appraisals during 2022;
- (d) explain how the percentage of HCS staff who had performance appraisals in 2022 breaks down by grade, both within and outside the Hospital;
- (e) advise whether the Board has instigated, or intends to instigate, any plans to improve the percentage of staff having performance appraisals; and
- (f) state what percentage of staff in Health and Community Services have had performance appraisals to date this year?

Answer

- a) Explain the basis for the exclusion of certain employee groups from the data provided:

The following employee groups were excluded in the My Conversation My Goals (MCMG) data provided for the following reasons:

1. **Anyone who started in the last 3 months** (based on continuous service date) as this was part of their initial probation period and objectives and performance would have been covered by the probation (now induction) policy and form – 311 people
2. **Non-executive and Legislature Departments** as these departments were operating their own separate performance management systems – 342 people
3. **Data Protection Directorate** – nil people
4. **All schools** as these were operating their own performance review and appraisals – 2,094 people
5. **Pay Group** which are:
 - o **Doctors and Consultants JY and UK** as there are separate contractual agreements that include performance – 231 people
 - o **Manual Workers** as their current contracts of employment, terms and conditions do not require them to participate in performance management – 801 people
 - o **Non Payroll and Non-States** – as these workers will have performance objectives agreed through their employing body – 40 people
 - o **Police Superintendent Chief Inspector, Police – Chief Officer, Police – Deputy Chief Officer, Police – Constable, Police – Sergeant** – as these were subject to a separate SoJP approach – 196 people
 - o **Employee Post Position Status** which is Nil Hours, Variable, Contractor / Consultant, Volunteer Worker – as these will have separate objectives agreed based on their individual contracts / agreements – 1582 people

- b) Statistics relating to the people in the excluded groups are included in the above as requested.

- c) Explain why only 7.1% of staff in Health and Community Services (HCS) had performance appraisals during 2022;

Developing and embedding any performance management approach is hard, it involves cultural change, and culture change takes time. As an organisation we are early in our overall journey in developing performance management culture and especially so in HCS. This is a similar challenge that is reported by NHS Trusts in the UK. MCMG was the precursor to Connected Performance and only started in 2019 as a result of the Team Jersey programme and was a big step forwards then

The focus then, as it is now is on having employees having meaningful performance conversations with their line managers. And for many HCS staff these will be happening as part of their day to day work and supervision but may not have been recorded on the system. MCMG built some useful foundations, but was limited in the extent that the available technology could be easily and readily accessed by HCS employees, and had limited functionality for reporting on progress compliance.

- d) Explain how the percentage of HCS staff who had performance appraisals in 2022 breaks down by grade, both within and outside the Hospital;

This information requires some specific manual work to extract the statistical data requested on the 7.2% of HCS employees who completed appraisals in 2022 and is being progressed.

- e) Advise whether the Board has instigated, or intends to instigate, any plans to improve the percentage of staff having performance appraisals;

The States Employment Board (SEB) takes performance management, including the accountability and responsibility for building and embedding a performance culture seriously and has been focusing closely on seeking improvements to the ways that objective setting, performance conversations and performance appraisals are conducted across the organisation. SEB has requested and received at least monthly reports on the whole organisation's completion of the objective setting phase of the performance cycle; and have been drilling down into the areas with the least progress.

SEB have been advocates of the benefits that good performance conversations realise, including making employees feel valued as well as focused on what is expected of them from a performance and behavioural perspective; and that these conversations help with development and realising potential. SEB has asked for and been provided with details of the level that the Senior Managers cadre have completed their own respective objective phase and what they have been doing to encourage and inspire completion. This is being followed up by close monitoring of the mid-year review phase that commences from the end of June and will be reported on regularly.

SEB have been looking closely at the completion rates in HCS and note that the new HCS Chief Officer and the Executive team have committed to improving the percentage of staff who have performance appraisals and understand the value that performance management offers. The Chief Officer has been reminding staff of his expectations regarding performance management, including when speaking at various staff meetings and for a. The HCS Executive team has:

- Cascaded four core objectives to all employees that are relevant to all people in the department
- Asked every employee to then add any service specific / personal performance and development objectives to these; have the discussion with their line manager to agree the final set of objectives and update their records on the Connected Performance system

- Sent out regular communications to remind employees, encouraged them attend roadshows and drop in sessions and promoted training available on how to use the system
- Commissioned some additional bespoke training on the behavioural and skills component to help build the confidence and capability of line managers in having performance discussions that are scheduled for June and July.

f) State what percentage of staff in Health and Community Services have had performance appraisals to date this year?"

| | People in Scope | No Objectives | Objectives Set | Objectives with Manager | Objectives Approved |
|-------------------------------|-----------------|---------------|----------------|-------------------------|---------------------|
| Health and Community Services | 3101 | 0.5% | 89.5% | 4.8% | 5.2% |

2.3 Deputy M.R. Le Hegarat of St. Helier North of the Minister for Home Affairs of regarding Road Traffic Collisions (WQ.277/2023)

Question

Will the Minister state –

- the number of Road Traffic Collisions involving pedestrians and bicycles that were recorded in the last 5 years, and of these, how many resulted in prosecution;
- how many States of Jersey Police Officers are –
 - qualified as Senior Investigating Officers in relation to Serious Road Traffic Collisions, and how often they receive refresher training;
 - trained as Scene Managers for Serious Road Traffic Collisions, and how often they receive refresher training;
 - trained as Road Traffic Collision Investigators, and how often they receive refresher training; and
- the criteria used for the deployment of these qualified staff?

Answer

- Please see below the table showing number of recorded RTCs involving pedestrians and bicycles:

| | 2018 | 2019 | 2020* | 2021 | 2022 | 2023 | Total |
|--|------|------|-------|------|------|------|-------|
| Recorded RTCs involving bicycles and pedestrians | 2 | 3 | 7 | 2 | 4 | 2 | 20 |
| Prosecutions | 0 | 1 | 2 | 1 | 0 | 0 | 4 |

**There was an additional incident in 2020 that involved a mobility unit*

- The current description of this role is now Lead Investigating Officer for Serious Road Traffic Collisions.

Currently the force has five trained Lead Investigating Officers. These officers undertake refresher training (CPD) yearly and regularly peer review each other's investigations.

(ii) There are currently two trained Scene Managers for Serious Road Traffic Collisions. No refresher training has been undertaken since attaining qualification.

(iii) There are currently two qualified Collision Investigators. Both attend a yearly conference and undergo a full day CPD every month.

(c) The Criteria for deployment of these officers are in any Road Traffic Collision involving a road death or where life changing injuries are incurred.

2.4 Deputy L.V. Feltham of St. Helier Central of the Chief Minister regarding individuals who are resident in the Island under Regulation 2(1)(e) (WQ.278/2023)

Question

Will the Minister provide the following information for individuals that are resident in the Island under Regulation 2(1)(e), former Regulation 1(1)(K), or any other current or previous iteration of the High Value Residency (HVR) scheme –

- (a) how many residents have HVR status, and how many family members of these residents also have Entitled status;
- (b) how many individuals have approved HVR status but have yet to take up residence in the Island;
- (c) a summary of each type of HVR arrangement, and how many people are on each type of arrangement;
- (d) a breakdown of any legal agreements in place with HVR individuals;
- (e) a summary table of the size and type of residential property and land currently occupied by HVRs;
- (f) how many properties are owned by HVRs under the terms of the current policy for renting out to other people;
- (g) confirmation of which department is responsible for ensuring HVR residents meet their obligations under the above policy;
- (h) how adherence to the Control of Housing and Work (Jersey) Law 2012 is monitored; and
- (i) whether any resident with HVR status has failed to meet their obligations under the policy, and if so, what action has been taken?

Answer

- a) There were 175 taxpayers in year of assessment 2020 who fell under the versions of the 2(1)(e) initiative since legislative arrangements were introduced in 2005. We do not collect information on how many family members they have in Jersey who have gained Entitled status.
- b) Approvals for 2(1)(e) status expire after 12 months. At present, there are 8 approved applications where the applicant has not yet chosen to take up residence.

- c) The Revenue Jersey Statistical Digest (see link below, page 8) contains information on taxpayers by each version of the scheme introduced since 2005, and amounts paid by tax rate.

ID Revenue Jersey Statistical Digest 2018 to 2020.pdf (gov.je)

- d) Legal arrangements are governed by Article 135A of the Income Tax (Jersey) Law 1961. The digest shows how many taxpayers fall under each version of the scheme under the Article. There are no legal agreements between government and individuals arriving since 2005, when the legislative base for the initiative was established in our tax law.
- e) 264 properties were purchased between 2004 – 2023 year to date. Information is not held on the size or type of these properties.
- f) 2(1)(e) residents are only permitted to acquire a single property for their own occupation, and no other residential property acquisitions are permitted under the Control of Housing and Work, whether for rental or otherwise.

Jersey's property market, however, includes a range of properties, notably share transfer properties but also other properties in corporate structures, where not permission is necessary. We do not hold information on property ownership other than where permission is required.

- g), h) Following approval, Revenue Jersey monitor tax returns and liabilities, and enforce minimum tax liabilities where they are established in Law.

As well as the requirement to pay a minimum tax contribution, 2(1)(e) applicants are also limited to purchasing one property as their principal place of residence and the Customer and Local Services Department ensure compliance with this condition.

- i) There have been no 2(1)(e) resident who have not met the requirements specified in g and h above.

I have asked officials to examine what additional information may be provided in advance of the debates scheduled on the tax rates and thresholds applicable to 2(1)(e) residents to support an informed debate.

2.5 Deputy C.A. Alves of St. Helier Central of the Minister for Health and Social Services regarding the Substance Use Strategy Report (WQ.279/2023)

Question

Will the Minister advise when the Substance Use Strategy Report will be published?

Answer

The substance use strategy is currently undergoing final governance steps. The current intention is for publication ahead of 18th July.

2.6 Deputy S.Y. Mézec of St. Helier South of the Minister for Treasury and Resources regarding the new Tenant Non-Executive Director on the Board of Andium Homes (WQ.280/2023)

Question

Given that, in the Andium Homes tenant newsletter of July 2022, there was an advertisement for a new Tenant Non-Executive Director to join the Board of Andium Homes, will the Minister advise –

- (a) how many applications were received;
- (b) how many candidates were short-listed for interviews;
- (c) how many interviews were held; and
- (d) who was the successful candidate?

Answer

- a) 6 applications were received;
- b) No candidates were short-listed for interviews;
- c) No interviews were held;
- d) There was not a successful candidate.

The recruitment process was overseen by the Jersey Appointments Commission but was concluded at the shortlisting stage.

A new recruitment campaign will commence shortly with the aim of generating applications from as broad a cross-section of Andium Homes' tenants as possible.

2.7 Deputy M.B. Andrews of St. Helier North of The Minister for Home Affairs regarding legislation to protect the identity of individuals who face being prosecuted for rape (WQ.281/2023)

Question

Will the Minister advise whether she intends or is currently considering bringing forward legislation to protect the identity of individuals who face being prosecuted for rape until they are proven guilty?

Answer

Usually, following a charge for a criminal offence, the identities of both the accused and the alleged victim are publicly available. This general principle is varied to provide anonymity to an alleged victim who is a child or otherwise vulnerable, which may mean that anonymity is provided to the alleged perpetrator to protect the identity of the victim.

The transparent nature of criminal charges and trials reflects the need for open justice, which is a foundational principle of the justice system. However, this has implications for individuals who are charged with, or tried for, an offence for which they are ultimately not convicted.

In most cases, the discontinuation of a prosecution or a verdict of 'not guilty' will be sufficient to close the matter. However, particularly serious allegations may leave a lasting reputational stain even where the individual is not convicted. This is exacerbated in the case of sexual offences, due to their particularly distasteful nature and, in the case of rape specifically, the significant challenges in

securing a conviction, leading to suggestions that the accused ‘got away with it’ rather than being innocent.

Conversely, the publicity surrounding serious allegations can have positive effects, with witnesses or even other victims coming forward as a result, either because they become aware that their evidence is important or because they did not previously feel they would be believed. The power of that liberating effect on previously silent victims underpins the #MeToo movement and should not be underestimated.

The contentious question of anonymity for accused people reflects the tension inherent across the justice system between openness, the need to gather evidence, and the rights of an individual not to be punished (formally or informally) for a crime they are not proved to have committed. There is no simple way to balance those factors that will satisfy all parties, and while the established position is in favour of openness, it is very sensible to keep all aspects of the justice system under review.

If anonymity provisions were considered, it would be preferable to start with a wider consideration of the benefits and dangers of anonymity arrangements generally, considering a wider definition of offences than just rape.

I am not currently considering legislation to require anonymity for individuals accused of rape at this time. However, if a compelling case is made for a review of the current arrangements to be undertaken then I would not rule out such work in the future.

2.8 Deputy M.B. Andrews of St. Helier North of the Minister for Social Security regarding Health Insurance Fund expenditure (WQ.282/2023)

Question

Will the Minister provide a breakdown of the Health Insurance Fund expenditure for 2022?

Answer

The Health Insurance Fund expenditure for 2022, per the Government Annual Report and Accounts, was as follows:

| Health Insurance Fund | |
|---|---------------|
| | 2022 |
| £'000 | Actual |
| Social Security Contributions | 41,111 |
| Investment income | (3,178) |
| Social Benefit Payments | (34,615) |
| Other expenditure | (4,116) |
| Impairments | (41) |
| Net Revenue Expenditure/(Income) | (839) |

Note: There were no transfers to the Jersey Care Model in 2022

2.9 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding the number of managers employed in the Health and Community Services department (WQ.283/2023)

Question

Will the Minister confirm the number of managers employed in the Health and Community Services department and advise what this equates to as a percentage of the total staff headcount of that department?

Answer

The Interim Chief Officer of Health and Community Services has undertaken a review of the Health and Community Services (HCS) Department including the numbers of managers currently providing the leadership and management of the services provided to Jersey residents.

Like many health systems, the aim of HCS is to be a clinically led organisation which means that many of the leadership roles are undertaken by clinicians of differing professions. This aim is initially achieved through the appointment of clinical staff into key leadership roles e.g. Chiefs of Service, Specialty Leads, Lead Nurses, AHP professional managers, Ward Managers (previously known as ward sisters/charge nurses) etc. The HCS clinical leadership structure is similar to what would be found in many health systems in other jurisdictions.

The review has, therefore, focussed on HCS's non-clinical leaders/managers which, is often the centre of wider public interest. The review has considered the following definitions of managers:

- Executive Directors (those at the first and second tiers of the organisation)
- General Management, such as operational managers who support the Chiefs of Service and the day-to-day management of services (those at the third and fourth tiers of the organisation)
- Specialist Managers, such as Estates, Health and Safety, Complaints (at the third and fourth tiers of the organisation).

Using these definitions, HCS has:

- 6 Executive Directors
- 17 General Management roles
- 23 Specialist Management roles.

This shows a total of 46 whole time equivalent management roles out of a total of 2,700 whole time equivalent roles in HCS, which equates to 1.7% of the workforce.

2.10 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding working from home arrangements (WQ.284/2023)

Question

Given that the response Written Question 229/2023 states that the Government does not hold a centralised record of working practices and therefore is unable to offer information on working from home arrangements; will the Chair advise –

- (a) when Government expects to have a centralised record of working arrangements that would enable the provision of such information;

- (b) if this information can be obtained in another way;
- (c) what methods the States Employment Board uses to monitor employees who work from home;
- (d) what measures are currently in place to ensure –
 - i. compliance with health and safety regulation and best practice, including, but not limited to compliance with Article 3 of the Health and Safety at Work (Jersey) Law 1989, and the Approved Code of Practice ACoP4; and
 - ii. staff welfare?

Answer

- (a) The revised flexible working policy, which will be launched early Q3, will allow for central recording and reporting of formal flexible working arrangements, ensuring compliance with Article 15 of Jersey employment legislation and data on the number of formal flexible working arrangements in place.
- (b) There is an opportunity when configuring a future replacement payroll system to record work patterns in a replacement system containing time and attendance capabilities. This is not anticipated until 2025, at the earliest.
- (c) This is a local line management function. Regular catch ups, performance conversations and supervision are required and expected. It should be noted that most of the workforce are not office based
- (d) Employees who may work from home are expected to complete health and safety training and an assessment of the working conditions suitability and are provided with standard equipment. Regular line management supervision with employees is essential to ensure wellbeing whilst working from home.

2.11 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding newly qualified teachers (WQ.285/2023)

Question

Given that during oral questions on 13th June 2023 it was stated that a newly qualified teachers' salary is £39,000 a year and they would earn more if they were more experienced, will the Minister advise –

- (a) how many term time hours a newly qualified teacher is expected to work;
- (b) how many term time hours are expected of more experienced teachers;
- (c) how many hours in 'holidays' are or should be worked; and
- (d) what work is undertaken to monitor the number of hours worked and reduce excessive working hours?"

Answer

- (a) A teachers contracts requires a teacher to work 1,660 hours per year over 38 weeks per year. The 1660 contracted hours includes contact and non-contact time, and it also includes time to attend professional development, training and meetings.
- (b) All teachers are required to work the same contractual hours.

- (c) Teachers are required to attend work for all days when school or inset is in session, they are not expected to work during holiday periods.
- (d) Throughout the Early Career Teacher (ECT) programme, termly reports are made to the ECT lead Adviser and a QA programme of randomised visits to schools ensures parity of expectation and application of policy. In addition, the Jersey School Review Framework visits will include interviews with ECTs regarding their training experience, the report of which contributes to the Leadership evaluation. ECTs should receive a teaching allocation in line with the published ECT policy.

At the start of the ECT year 1 teachers are reminded of this in their central training and any concerns regarding allocations are raised with the relevant school. Examples will differ slightly between phases and schools, but the overarching principle is made clear and ECT officers are available to support teachers if it is required. Please see the relevant section of the policy below.

B. IN SCHOOL SUPPORT

1. Additional PPA release compared to main scale teachers ECT1s receive an additional PPA release of 10%; this is a continuation of the previous NQT process.

There is an additional PPA release for each ECT2 of 5%: this is a new funded development.

The Jersey Terms and Conditions of Service states that all teachers are entitled to non-contact time equivalent to 10% of the school week or a minimum of 2h 30m each week. The school week is defined as follows:

- Foundation Stage and Key Stage 1: 23 hours 45 minutes
- Key Stage 2: 25 hours
- Secondary: 26 hours 15 minutes An ECT 1 should therefore have a total of at least 5 hours of PPA release; an ECT2 should therefore have a total of at least 3 hours and 45 minutes of PPA release. This additional release is funded directly to the ECT's school.

2.12 Deputy R.J. Ward of St. Helier Central of The Minister for Housing and Communities regarding future Housing policy (WQ.286/2023)

Question

What work is the Minister undertaking in relation to the research and development of future Housing policy, particularly with regard to living costs for tenants in private housing and the subsequent levels of available income left after rents are considered?"

Answer

I recognise that in the short term, it is challenging to deliver a targeted, fair and sustainable solution to what is a very dynamic housing market. Nevertheless, I am taking steps to better support those in housing need – for example, I am widening the eligibility criteria for the Gateway so that more people can access social housing, and I am updating the Residential Tenancy Law to give better protections to tenants across all sectors.

I recognise Islanders' concerns about the cost of renting a home, and the pressure that these costs can place on household incomes. The Jersey Household Income Distribution preliminary report 2021/2022 provides evidence of the impact of housing costs on household incomes, and the distribution of these housing costs across different groups. The forthcoming final report will enhance

the evidence available to inform policy decisions regarding Jersey's rental market, including matters such as rent stabilisation measures set out in my Residential Tenancy Law proposals.

I have also set out in my Ministerial Plan a priority to progress a sustainable response to the challenges in Jersey's housing market, including increasing the supply and affordability of housing. As part of the Plan, it is my intention to publish the Island's first long-term, sustainable housing strategy, which will establish the action we need to take to alleviate the housing issues facing Islanders in the longer term. As we develop the strategy, we will consider the further research and evidence required to understand the drivers of housing affordability in Jersey, and to inform policy solutions, including in relation to the rental sector.

2.13 Deputy R.J. Ward of St. Helier Central of the Minister for Infrastructure regarding LibertyBus (WQ.287/2023)

Question

Will the Minister advise –

- (a) the total payment from Government to Libertybus so far this year and the projected cost for the whole year;
- (b) how much income is received annually by Libertybus from fares, in addition to payments from Government; and
- (c) whether the town 'hopper' bus is paid for entirely by Government grant; as a combination of grant and fare income; or is funded entirely from fare income?

Answer

The answers given to OQ.70/2020 and WQ.317/2020 provide an indication of the quantum of payments made in previous years. The difference in respect of 2023 will be represented by annual uplifts for inflation as provided for by the relevant clause in the Bus Operator Contractor, and the higher burden upon Government of additional concessionary fare reimbursements because of States Assembly decisions to extend free or discounted travel to more groups. No further information will be disclosed in relation to this during the tender period for the next Bus Operator Contract as it will set an expectation for tendered of the value of assistance that they might receive and consequentially it is considered to be commercially sensitive.

(b)

The fare revenue is commercially confidential and cannot be disclosed without the consent of LibertyBus.

(c)

The Townlink bus service, currently comprising services 20 and 24, is operated on a fixed cost basis and no further reimbursement is made for any form of concessionary fares recorded in respect of passenger journeys on these routes. A small amount of on-bus revenue, for example from those paying single fares, is collected on the Townlink service and is retained by LibertyBus.

2.14 Deputy R.S. Kovacs of St. Saviour of the Minister for Health and Social Services regarding knee and hip operations(WQ.288/2023)

Question

Will the Minister provide the following for each of the last 5 years, including to date in 2023 –

- (a) the number of patients waiting for knee and hip operations;
- (b) the length of time patients have been waiting for such operations;
- (c) the number of hip and knee operations carried out;
- (d) the number of Jersey patients who have had hip or knee operations privately in –
 - (i) Jersey
 - (ii) UK or elsewhere
 and state, if known, how many of those were previously on the Health Service waiting list; and
- (e) how much each of these procedures costs the Health Service?

Answer

The data below refer to the following hip and knee replacement procedures:

- Total Hip Replacements.
- Total Knee Replacements.
- Replacement of Femoral Head only (partial hip replacement).
- Hybrid Hip Replacements.
- Hybrid Knee Replacements.
- Uni-compartmental Knee Replacements.

Figures are provided up to 26 May 2023 at which point the HCS Patient Administration System (TrakCare) was switched off and replaced with a new Electronic Patient Record system (IMS Maxims). Statistical reporting of theatre activity and waiting lists is currently being finalised and validated as part of acceptance testing of the new system. Clinical Coding of inpatient procedures is an ongoing process, performed following the discharge of a patient from hospital, so figures are liable to change.

- (a) As at the 26 May 2023, there were 168 Patients on the elective inpatient waiting list for the above procedures, including patients listed for Bilateral Procedures (Twice).

When patients were listed for a procedure in TrakCare, the intended procedure was recorded in a free text format that is not machine readable. This means that identifying hip and knee replacements requires manually reviewing the waiting list. Therefore, the position is provided for the latest available date only. Improved functionality in the new EPR (IMS Maxims) means that all listings going forward will be recorded against a standardised procedure code to allow in-depth reporting in future.

- (b) The table below shows the number of days each of the above patients had been waiting as at 26 May 2023, grouped by total days waiting.

| Clinician Priority | 0-30 | 31-60 | 61-90 | 91-120 | 121-150 | 151-180 | 180-365 | >365 | Grand Total |
|---------------------------|-------------|--------------|--------------|---------------|----------------|----------------|----------------|----------------|--------------------|
| Routine | 9 | 19 | 9 | 10 | 7 | 10 | 43 | 29 | 136 |
| Soon | 9 | 9 | 3 | 3 | 0 | 1 | 3 | 2 | 30 |
| Urgent | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Grand Total | 19 | 29 | 12 | 13 | 7 | 11 | 46 | 31 | 168 |

When patients were listed for a procedure in TrakCare, the intended procedure was recorded in a free text format that is not machine readable. This means that identifying hip and knee replacements requires manually reviewing the waiting list. Therefore, the position is provided

for the latest available date only. Improved functionality in the new EPR (IMS Maxims) means that all listings going forward will be recorded against a standardised procedure code to allow in-depth reporting in future.

(c) The table below shows the total number of public hip and knee replacements performed per year, to date (as of 26/05/2023):

| Year | Count of Hip Replacement Procedures | Count of Knee Replacement Procedures |
|------|-------------------------------------|--------------------------------------|
| 2018 | 274 | 149 |
| 2019 | 236 | 143 |
| 2020 | 180 | 69 |
| 2021 | 205 | 122 |
| 2022 | 129 | 62 |
| 2023 | 45 | 33 |

Data Source: Hospital Patient Administration System (TrakCare, OPCS Theatre Report CDG4H).

Note: these figures do not include hip and knee replacements referred off island. The reason is that off-island data is not recorded at procedure level, only financial tariff (HRG) codes which includes many other operations other than replacements.

(d) i) The table below shows the total number of private hip and knee replacements performed per year in Jersey, to date (as of 26/05):

| Year | Count of Hip Replacement Procedures | Count of Knee Replacement Procedures |
|------|-------------------------------------|--------------------------------------|
| 2018 | 87 | 49 |
| 2019 | 70 | 54 |
| 2020 | 54 | 39 |
| 2021 | 82 | 68 |
| 2022 | 53 | 31 |
| 2023 | 17 | 16 |

Data Source: Hospital Patient Administration System (TrakCare, OPCS Theatre Report CDG4H).

Note: It is not recorded whether these patients were previously on the waiting list for a public procedure.

ii) HCS does not hold data on patients who choose to receive private care in the UK.

e) The table below shows the total cost of public hip and knee replacements performed per year in Jersey, to date (as of 26/05/2023):

| Year | Cost of Hip Replacement Procedures | Cost of Knee Replacement Procedures |
|------|------------------------------------|-------------------------------------|
| 2018 | £2,500,732 | £1,076,630 |
| 2019 | £2,172,784 | £1,027,502 |
| 2020 | £1,942,853 | £552,155 |
| 2021 | £2,080,240 | £930,418 |
| 2022 | Unavailable at procedure level | Unavailable at procedure level |

| | | |
|------|--------------------------------|--------------------------------|
| 2023 | Unavailable at procedure level | Unavailable at procedure level |
|------|--------------------------------|--------------------------------|

Data Source: HCS Person Level Information & Costing System prepared up to 2021 (PLICS).

In 2021, the average cost of a hip replacement procedure was £9,542 and the average of a knee replacement procedure was £8,536.

These figures do not include the cost of hip and knee replacements referred off island.

2.16 Deputy R.S. Kovacs of St. Saviour of the Chief Minister regarding businesses and employment licences (WQ.290/2023)

Question

Will the Minister state –

- (a) how many new businesses have been launched each year since 2019;
- (b) of those, how many were small businesses and in which industry do they operate;
- (c) for each of the businesses identified in (b) (anonymised if necessary) would the Minister provide details as to –
 - i. how many employment licences for under 5-year residency were received upon commencement of trading and how many are held currently;
 - ii. what proportion of total current staff is made up of employment licences for under 5-year residency;
 - iii. how many applications for employment licences for under 5-year residency have been refused and, in each case, what was the reason; and
- (d) what are the criteria pursuant to which licences for employment are awarded to businesses?"

Answer

(a)

We cannot measure business ‘launches’ but can report on the number of applications for new business licences under the Control of Housing and Work Law as below.

| Year | New Business Licence Applications (Resident Businesses). *Figures exclude Non Resident business licenses |
|-------------------------------|---|
| 2019 | 995 |
| 2020 | 1087 |
| 2021 | 1190 |
| 2022 | 981 |
| 2023 (up to 31/03/2023) | 286 |

These figures show the number of individuals given permission to start a new business. The business does not need any additional permission to start trading so this is not specifically recorded by government.

(b)

The Control of Housing and Work Law does not include a definition for 'small business'. A business can change its numbers of employees over time, either through growth/contraction, due to seasonal activity, or the greater economic/business cycle.

The process to register a new business does not include collecting information on the number of locally qualified people to be employed in the business. Many businesses are set up as sole traders without employees.

Data is available for new businesses based on number of employees at the point of their first manpower return after their first application for a business licence. Manpower returns are made every 6 months.

| Year of Initial Business Licence Application | Classification | |
|--|---------------------|----------------------|
| | 6 or more employees | 5 or fewer employees |
| 2019 | 33 | 793 |
| 2020 | 32 | 846 |
| 2021 | 14 | 995 |
| 2022 | 19 | 714 |

Note that -

- not every business will start trading immediately and so they may not be included in the next manpower turn.
- some businesses will only trade for a short period and may not be captured on a manpower return
- some individuals may be granted a business licence but then choose not to set up the business

Looking at the businesses that were recorded on the first manpower return after the business licence was approved and the number of employees on that manpower return was 5 or less, the following information by sector is set out below. Note the reservations above that this will not include every new small business.

| Industry Sector of 'Small Businesses' | Year that Licence granted | | | |
|---------------------------------------|---------------------------|------|------|------|
| | 2019 | 2020 | 2021 | 2022 |
| Agriculture and fishing | 17 | 17 | 25 | 21 |
| Computer and related activities | 32 | 47 | 35 | 37 |
| Construction and quarrying | 83 | 105 | 129 | 82 |

| | | | | |
|---|------------|------------|------------|------------|
| Education health and other services | 220 | 213 | 210 | 160 |
| Electricity gas and water supply | 1 | | | |
| Financial and legal activities | 35 | 47 | 38 | 30 |
| Hotels restaurants & bars | 27 | 38 | 36 | 25 |
| Manufacturing | 49 | 24 | 56 | 24 |
| Real estate and other business activities | 203 | 190 | 302 | 232 |
| Transport storage and communication | 37 | 24 | 22 | 29 |
| Wholesale and retail trades | 89 | 141 | 142 | 74 |
| Total | 793 | 846 | 995 | 714 |

**Industry sector as recorded at time of business licence approval . Industry sectors for an undertaking may have changed with time.*

In broader terms, the 6 monthly Statistics Jersey Labour Market Reports provide regular breakdowns of Private Sector Undertakings by number of employees. These are published on gov.je and include all businesses. An extract from the most recent publication has been provided below:

Table 7 – Private sector undertakings by number of employees (headcount), December 2022

| Sector | 1 | 2–5 | 6–9 | 10–19 | 20–49 | 50+ | Total |
|--|--------------|--------------|------------|------------|------------|------------|--------------|
| Agriculture and fishing | 80 | 50 | 10 | 20 | 10 | + | 170 |
| Manufacturing; utilities and waste | 200 | 60 | 30 | 20 | 10 | 10 | 320 |
| Construction and quarrying | 780 | 450 | 110 | 70 | 50 | 10 | 1,470 |
| Wholesale and retail | 410 | 290 | 90 | 50 | 40 | 20 | 890 |
| Hotels, restaurants and bars | 130 | 200 | 80 | 60 | 40 | 20 | 520 |
| Transport and storage | 230 | 30 | 10 | 10 | 10 | 10 | 290 |
| Information and communication | 250 | 80 | 10 | 10 | 10 | 10 | 380 |
| Financial and legal activities | 280 | 180 | 60 | 50 | 50 | 60 | 670 |
| Miscellaneous business activities | 1,100 | 410 | 80 | 70 | 40 | 10 | 1,710 |
| Private education, health and other services | 1,220 | 330 | 100 | 70 | 50 | 40 | 1,810 |
| Total private sector undertakings | 4,680 | 2,080 | 570 | 420 | 300 | 180 | 8,230 |

+: non-zero less than 5

(c)i & (c)ii

CLS does not record when a business undertaking launches to the public or begins to trade for the first time. A business owner may commence trading at any point after they have received a valid business licence.

CLS records when a business applies for Registered or Licensed Staffing Permissions. An undertaking may apply for these permissions at the time of first registering their undertaking, or these staffing permissions may be applied for at a later date.

Note that licensed posts are valid for up to 10 years and it is not possible to differentiate between 0-5 years licensed employees and 5-10 years licensed employees. The figures below include all licensed employees in the selected businesses.

Looking at the businesses that were recorded on the first manpower return after the business licence was approved and the number of employees on that manpower return was 5 or less, the following information on staffing permissions is set out below. Note the reservations above that this will not include every new small business.

| Year of Initial Business Licence Application | Total Small Businesses | Initial Business Licence | | Last Valid Business Licence* (As @ 2023-06-20) | |
|--|------------------------|------------------------------|----------------------------|--|----------------------------|
| | | Total Registered Permissions | Total Licensed Permissions | Total Registered Permissions | Total Licensed Permissions |
| 2019 | 793 | 12 | 33 | 101 | 40 |
| 2020 | 846 | 16 | 41 | 67 | 56 |
| 2021 | 995 | 33 | 52 | 118 | 59 |
| 2022 | 714 | 19 | 21 | 37 | 38 |

* Note that the current position relates to businesses that are still operating.

Looking at the businesses that were recorded on the first manpower return after the business licence was approved and the number of employees on that manpower return was 5 or less, the following information on the proportions of registered and licensed staff recorded on the 2022 manpower return is set out below. Note the reservations above that this will not include every new small business.

Not every business included in this category has provided a manpower return for December 2022. Not every business includes any employees.

| Proportion of Employees Registered or Licensed on 2022 Dec Manpower Return | Year of Initial Business Licence Application | | | | |
|--|--|------|------|------|--|
| | 2019 | 2020 | 2021 | 2022 | |
| 0%-10% | 396 | 467 | 621 | 536 | |
| 11%-20% | 6 | 5 | 10 | 1 | |
| 21%-30% | 8 | 8 | 3 | 6 | |
| 31%-40% | 8 | 7 | 15 | 2 | |
| 41%-50% | 9 | 14 | 13 | 12 | |

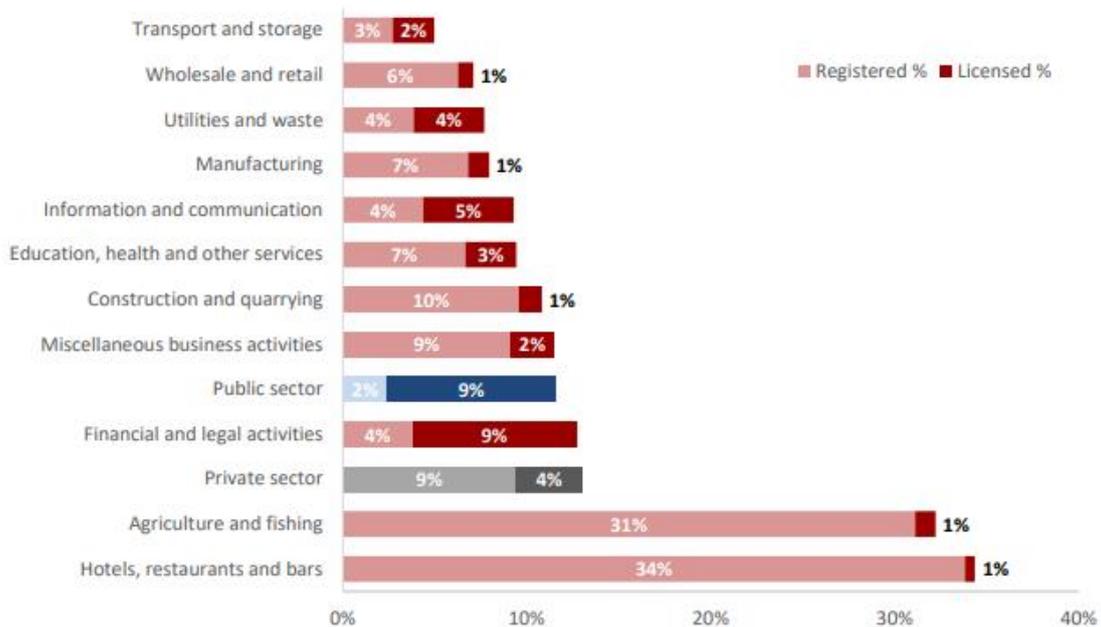
| | | | | | |
|-----------------------------|------------|------------|------------|------------|--|
| 51%-60% | | | 1 | | |
| 61%-70% | 1 | | 2 | | |
| 71%-80% | | | 3 | 1 | |
| 91%-100% | 12 | 23 | 29 | 32 | |
| No 2022 Dec Manpower Return | 260 | 215 | 166 | 20 | |
| No Employees | 93 | 107 | 132 | 104 | |
| Total | 793 | 846 | 995 | 714 | |

In broader terms, the Statistics Jersey Labour market report provides a regular breakdown of the proportion of the Labour Market employed on a Registered or Licensed Permission.

Table 6 – Number of private sector jobs by residential status of current post holder, December 2017 to December 2022

| Residential status | Dec-17 | Jun-18 | Dec-18 | Jun-19 | Dec-19 | Jun-20 | Dec-20 | Jun-21 | Dec-21 | Jun-22 | Dec-22 |
|-----------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Entitled / entitled to work | 45,210 | 46,280 | 46,330 | 46,670 | 46,430 | 44,800 | 45,010 | 46,570 | 46,450 | 47,250 | 47,410 |
| Licensed | 1,450 | 1,470 | 1,510 | 1,570 | 1,600 | 1,610 | 1,690 | 1,750 | 1,820 | 1,920 | 1,980 |
| Registered | 5,220 | 6,370 | 5,100 | 6,250 | 5,000 | 4,730 | 4,500 | 5,150 | 4,790 | 5,420 | 5,140 |
| Exempt | 130 | 140 | 140 | 170 | 230 | 310 | 290 | 280 | 300 | 220 | 160 |
| Private sector | 52,010 | 54,250 | 53,070 | 54,660 | 53,260 | 51,440 | 51,500 | 53,750 | 53,370 | 54,810 | 54,690 |

Figure 8 – Registered and licensed employees as a percentage of all employees in each sector, December 2022



For the subset of 5 employees or less undertakings which applied for a Business Licence between 2019-01-01 and 2023-03-31 where there is a relevant manpower return and employees, in total about 9% of their employee workforce is either Registered or Licensed.

(c)iii

The details behind any staffing permission refusals are recorded in the decision letter sent to the business owner as part of their application for a variation of their business licence. There may be one or more reasons, to refuse one or more of any of the requested staffing permissions. Therefore, it not simple to collapse down the circumstances of each case into a single simple reason for refusal.

It would take manual review of each application to first extract detail from customer correspondence to, then summarise common themes.

Using the same group as above, this table provides a summary of the number of applications for staffing permissions that have been refused.

| Year of Initial Business Licence Application | Total Small Businesses | Initial Business Licence | |
|--|------------------------|--------------------------------------|------------------------------------|
| | | Total Registered Permissions Refused | Total Licensed Permissions Refused |
| 2019 | 793 | 3 | 1 |
| 2020 | 846 | 4 | 0 |
| 2021 | 995 | 0 | 0 |
| 2022 | 714 | 0 | 1 |

(d)

When deciding whether to grant a business licence, additional Registered and Licensed permissions (for employees), or vary the conditions of a business licence, as specified in Article 26(9) of CHWL the following matters are relevant:

- a. Preserving and maximising the benefits of Jersey’s resources
- b. Promoting a balanced and prosperous economy
- c. Protecting the integrity and reputation of Jersey in commercial and financial matters
- d. Any relevant policies of the States of Jersey
- e. Whether such a grant would be in the public interest; and
- f. In the case of a hawker’s licence, whether the applicant is a fit and proper person.

Criteria used to review an application

Officers will review the application against two sets of criteria

- i. Qualifying criteria

Unless there are exceptional circumstances, the application must pass through all 7 of the checks below before progressing to the main criteria

There are no ongoing investigations against the business related to employing Registered or Licensed staff without permission

| |
|---|
| The exact same application has not already been refused (if details within the application have changed this can be accepted) |
| The individual is not within 6 months of gaining Entitled for work status |
| The business does not already have a spare Registered or Licensed permission that could be used for this role |
| The role has been advertised publicly in Jersey within the past 3 months and the business can provide evidence of this |
| Back to Work recruitment have no suitable candidates for the vacancy |
| The reasons provided to explain why Entitled/Entitled for work applicants were not suitable are fair and reasonable |

ii. Main criteria

There is no set number of main criteria an application must meet to be approved. The strength of each factor is considered in the context of the business, industry and circumstances outlined in each application.

| |
|---|
| How important is the role to the business? |
| Is the salary set at an appropriate level for the role and industry to ensure an employee receives a fair and positive salary |
| Does the business already have more Registered or Licensed permissions than similar size and scale organisations in its industry? |
| Does the role have experience/qualifications requirements that make the role hard to recruit for locally and could not be developed through an apprentice/trainee role? |
| Is the business economically sustainable? (e.g. profitable after all costs) with a positive track record? |
| Does the role support the business to provide services with outstanding social or community value? |
| How much effort is the business making to attract, value, retain and develop its employees? Examples could include (but not limited to) offering flexible hours, considering job share, part time roles, student employment, offering progression, qualifications, development, support, reward and positive terms and conditions (working hours, leave etc). |
| If a business is not doing any of these things, this may explain why it is finding a role hard to fill rather than there being a genuine skills or person shortage. |
| Will the skills of the role or individual help train other employees within the business or help the business/sector innovate? |
| Where the permissions will see a growth in total employee numbers, does the business case demonstrate sufficient predicted increase in business/income to warrant and afford the salaries of the new employees if the permissions are granted? |

2.16 Deputy M.B. Andrews of St. Helier North of the Minister for Economic Development, Tourism, Sport and Culture regarding current and capital account information (WQ.290/2023)

Question

Will the Minister advise whether consideration has been given, or will be given, to the Government holding current and capital account information; and, if not, why not?

Answer

The current and capital account are based on a complex and diverse range of data sources, complicated further by Jersey's close relationship, and customs union, with the UK and the other Crown Dependencies. The Export Strategy Green Paper, published last year, set out improved data as a key workstream and some avenues to achieve this. We will shortly be publishing an Export Strategy for Jersey with further proposals.

2.17 Deputy M.B. Andrews of St. Helier North of the Minister for the Environment regarding a Planning Appeals Board (WQ.291/2023)

Question

Will the Minister advise whether he has considered, or is considering, establishing a Planning Appeals Board; and if not, why not?

Answer

The term 'Planning Appeals Board' is not a defined term within the current Planning and Building (Jersey) Law 2002, and has not been used as a term within the last consideration of the appeal system in 2014 when the then Minister for Planning and Environment presented the Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- following the approval by the States Assembly of P.87/2013: "Planning Appeals: revised system".

Currently, all planning appeals and planning inquiries are considered by an independent planning inspector. They are then determined by me or my Assistant Minister. If the appellant feels aggrieved by the ministerial decision, then an appeal to the Royal Court is allowed (but only on points of law).

Following an amendment to the Planning and Building Law 2002 that was passed in 2022, I am able to form a Determining Panel to consider the determination of a Planning Inquiry. The first such Determining Panel was constituted by me earlier this year to consider the South West St Helier (Waterfront) planning application.

The system for making an appeal which resulted from the changes made in 2013 continues to provide the public with an effective and affordable route to making an appeal against a planning or building decision. Amending the current system is not currently under consideration, however I am committed to improving Planning Services and I will remain open to a review of the planning appeals process should it be shown to be in the interest of the public.

2.18 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding accommodating private healthcare within the new healthcare facilities project (WQ.292/2023)

Question

Will the Minister outline what plans, if any, have been made to accommodate private healthcare within the new healthcare facilities project to generate additional income?

Answer

There will be provision for private healthcare in the New Hospital Facilities programme but the detail of the final number of beds will be considered at the Outline Business Case stage.

2.19 Deputy S.G. Luce of Grouville and St. Martin of the Minister for the Environment regarding average sea temperatures (WQ.293/2023)

Question

Will the Minister inform the Assembly of the average monthly sea temperatures in local waters over the last 10 years and the average quarterly sea temperatures over the last 20 years?

Answer

The official sea temperature for Jersey is recorded by Jersey Met at the end of the Fuel Tanker Berth, St. Helier Harbour.

The monthly average sea temperature for the 10-year period from 2013 to 2022 in °C compared with the climatological 30-year period average from 1991 to 2020 is shown in the table below:

| Sea Temperature (°C) | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Year |
|---------------------------------------|-----|-----|-----|------|------|------|------|------|------|------|------|------|-------|
| 2013 to 2022 (10 year average) | 9.4 | 8.5 | 8.8 | 10.4 | 12.6 | 15.0 | 17.2 | 18.4 | 18.0 | 16.1 | 13.5 | 10.9 | 13.22 |
| 1991 to 2020 (30 year period average) | 8.9 | 8.2 | 8.6 | 10.2 | 12.4 | 14.8 | 16.9 | 18.2 | 17.8 | 15.8 | 13.1 | 10.6 | 12.95 |

The quarterly average sea temperature for the 20-year period from 2003 to 2022 in °C is shown in the table below:

| Sea Temperature (°C) | Jan to Mar | Apr to Jun | Jul to Sep | Oct to Dec |
|--|------------|------------|------------|------------|
| 2003 to 2022 (20 year average) Quarterly | 8.6 | 12.6 | 17.7 | 13.4 |

2.20 Deputy G.P. Southern of St. Helier Central of the Chief Minister regarding the Government's continuing commitment to 'putting children first' (WQ.294/2023)

Question

In light of the Government's continuing commitment to "putting children first", will the Chief Minister –

- state what data is collected to determine and measure childhood social conditions in Jersey, and whether this includes the average height of children, as is reported to be the case in the UK, and provide her assessment from the data of how such conditions have changed over the last decade, highlighting in particular whether it is her assessment that the conditions have deteriorated;
- with reference to the UNICEF report entitled 'Worlds of Influence', state how many, and what proportion of, children in Jersey live in households with less than 60% of median income and how the Island compares with other jurisdictions in this area;
- state what data, if any, is available to measure child poverty in the Island and how the level of such poverty changed over the last decade;
- explain what measures are in place to reduce the level of child poverty; and
- explain what data is available in respect of public spending on child education and care for children and state what the current level of expenditure per child is?

Answer

As our Common Strategic Policy and Ministerial Plans made clear, we have set an ambition for all children and young people to have the best start in life, recognising that the early years have a lasting impact, and that being loved, being listened to, and receiving a good, rounded education are essential to future life chances.

The best way to ensure that all families have a good quality of life is to safeguard a strong economy and maximise job opportunities, so that parents can provide for their children. Within my first 100 days, we introduced a mini-Budget that prioritised lower income taxes for hard working families and increased benefits for the most vulnerable. It is in this context that I have set out the range of activities that this Council of Ministers has prioritised in order to support families and reduce poverty.

- a) The Jersey Children and Young Persons Survey is carried out by Statistics Jersey every two years – the last results were for 2021 [R Jersey Children and Young People's Survey 20220309 SJ.pdf \(gov.je\)](#). This survey included a range of questions on childhood social conditions in Jersey, including: lack of material possessions, financial status; wellbeing; health; exercise; dental hygiene; exercise; self-harm; belonging; smoking, alcohol and drug use; etc.

The reference to UK data includes the NHS National Child Measurement Programme (NCMP) which covers children in Reception (aged 4-5 years) and Year 6 (aged 10-11 years) in mainstream state-maintained schools in England. [National Child Measurement Programme, England, 2021/22 school year - NDRS \(digital.nhs.uk\)](#) The Jersey Child Measurement Programme (JCMP) likewise measures annually the height and weight of children in Reception (Year R: 4 to 5-year-olds) and Year 6 (10 to 11-year-olds) [Child Measurement 2021-2022.pdf \(gov.je\)](#) .

The Jersey Child Measurement Programme is primarily used to monitor childhood obesity amongst Jersey's children, and the data to date has not been used to look at standardised average height. The methodology used by the study referenced in the article by Michael Marmot can be assessed, to determine if it could be included in future reports.

The 2021 Children and Young Persons Survey includes a number of time-series. These show, for instance, that the proportion of young people eating at least 5 portions of fruit and vegetables each day has improved in the last decade, as has the proportion of young people meeting the recommended level of physical activity. However, the proportion of young people who have visited the dentist in the last 6 months has declined in the last decade to 2021 (which is likely partly a Covid impact).

More detail can be found in the Obesity, Diet and Physical Activity Report

- b) Statistics Jersey publish statistics on children in households below 60% median income in their household Income Distribution Statistics reports. The Statistics Jersey reports use the same income equivalisation process and the same 60% of the median threshold for relative low income that are used by Eurostat and UNICEF.

In 2021/2022 15% of children were in households in relative low income before housing costs i.e. below 60% median net income before housing costs, and 24% were in households in relative low income after housing costs.

For international comparisons, the UNICEF report Worlds of Influence (unicef.ca) was based on 2018 statistics for children aged under 18 living in relative low net income before housing costs. Note that Statistics Jersey's Income Distribution Statistics reports on children aged under 16, so they are not directly comparable with this UNICEF report. More recent international statistics for children aged under 16 living in households in relative low net income before housing costs for 2013 to 2022 are available from Eurostat here [Statistics | Eurostat \(europa.eu\)](https://www.eurostat.ec.europa.eu/en/statistics-in-detail), and these are directly comparable with statistics from Jersey's income distribution report. This shows that the EU average proportion of children living in relative low net income before housing costs was 19.0% in 2022 compared to the Jersey equivalent of 15% for the March 2022 reference period.

- c) Income Distribution Statistics are based on responses to the Living Costs and Household Income Survey, which is carried out periodically. Net income after housing costs is the headline income measure in Statistics Jersey's household Income Distribution Statistics reports, the latest being Household Income Distribution 2021/2022, as it measures disposable income available to households.

However, net income after housing costs is more difficult to measure than other types of income, so is less widely available from other jurisdictions. Statistics Jersey can make international comparisons with a wider range of countries by comparing net income before housing costs, but it should be noted that differences in housing costs between countries means this may not be indicative of how Jersey would compare using net income after housing costs.

The proportions of children living in households in relative low income after housing costs in Jersey are:

- 24% in 2021/2022
- 25% in 2019/2020
- 29% in 2014/2015
- 22% in 2009/2010

The UNICEF report uses net income before housing costs ("post-tax, post-transfer income"). The proportion of children living in households in relative low income before housing costs in Jersey are:

- 15% in 2021/2022
- 11% in 2019/2020
- 13% in 2014/2015
- 12% 2009/2010

Note that the UNICEF report referred to gives statistics for children aged under 18 who are living in relative low income, while Statistics Jersey's Income Distribution Statistics reports on children aged under 16, so they are not directly comparable. EU data [Statistics | Eurostat \(europa.eu\)](https://www.eurostat.ec.europa.eu/en/statistics-in-detail) measures the distribution of household net income before housing costs for under 16s from 2013 to 2022, and is therefore comparable to the Jersey data.

The proportion of children in relative low net income before housing costs in Jersey has remained below the EU average in each survey over the last decade, however the size of the

gap has narrowed in each survey (from 8 percentage points in 2014/2015, to 7 percentage points in 2019/2020, to 4 percentage points in 2021/2022).

In addition to the proportion of children in relative low income, Statistics Jersey publishes in the Jersey Children’s and Young Persons Survey reports information on children lacking material belongings. Out of ten items that children and young people think are necessary for a ‘normal kind of life’ (e.g. a smartphone; money you can save each month), 1% of Jersey children lacked 5 or more items, and 19% lacked 2-4 items. The 2021 survey results do not provide a time series, but Statistics Jersey could provide this data for the previous two surveys on request.

d) explain what measures are in place to reduce the level of child poverty;

The most significant measure for supporting families and children is to enable a strong and growing economy. This allows most families to be financially independent and keep more of their income. For example, the 100 Day Plan included a mini-Budget that put over £56 million back into the pockets of Islanders. The accompanying Children’s Rights Impact Assessment set out that single taxpayers saw a reduction in their tax liability of £520, while married couples and civil partnerships saw a reduction of £832.

The mini-Budget’s increases to the maximum available childcare tax relief caps also provided further support, up to a maximum of £202 for each school aged child, and more than £500 for pre-school age children. The Ministerial Cost of Living Strategy Group actively considers the topic of childcare provision and further measures may be announced in the future.

As one of my three areas of relentless focus, housing is also critical to preventing and alleviating child poverty. The Life on the Rock report identified that stable, quality housing was one of the top five issues that would make a difference to a quarter of children’s lives. This is a top priority for this Council of Ministers. Work is currently underway to improve Jersey’s provision of housing, including the quality of accommodation, which will alleviate some aspects of child poverty.

The Government also has a role in safeguarding rights for parents and children which can prevent poverty. For example, in 2021 contributory benefits were extended to create a new parental allowance, to allow both parents to claim a total of up to 32 weeks parental allowance between them. Similar rights were extended to adoptive parents. (P.124/2020). The final stage of family friendly employment legislation was introduced in 2020 with both parents entitled to six weeks of paid leave, up to a year of leave in total, and improved rights in respect of breastfeeding and time off to attend antenatal appointments. Again, similar rights were extended to adoptive parents. (P.100/2019). Finally, rights under the discrimination law were updated in 2021 to extend discrimination rights to parents with children seeking to rent or buy property (P.58/2021).

A strong and growing economy also provides tax revenue for the Government to target benefits and support to low income families with over five years’ residence. Financial support for parents is provided through a range of statutory and non statutory provision.

The main statutory provision is the income support system which supports low income households with weekly benefit payments. Current component rates include:

| | weekly component | hourly rate |
|--|------------------|-------------|
| child under school leaving age - first child | £91.70 | |

| | | |
|---|---------|----------------|
| child under school leaving age - additional child | £77.28 | |
| child over school leaving age | £111.30 | |
| childcare – 0 - 3 years | | £8.84 per hour |
| childcare 3 to 11 years | | £7.40 per hour |

Child components and childcare components have both been subject to significant increases over the last five years.

In addition, the value of the extra support provided to a single parent has increased from £10.15 per week in 2018 to £43.47 per week today.

In 2020, the Health Access Scheme was established, providing free GP surgery visits to all children in income support households aged under 17. A separate scheme to provide free GP surgery visits to all children, regardless of income, has been agreed by the States Assembly and will be launched in the near future.

Healthy Start vouchers provide extra help with the cost of fresh fruit and vegetables to low income families with children up to the age of four and Income Support families with a child under three years receive extra help with winter heating costs.

In addition to ongoing benefit support, a number of temporary schemes over the last three years have included support for children. These included:

- Spend Local - £100 per child to spend in local businesses – summer 2020
- CRESS - £50 per child per week to support families of registered workers unable to find employment during COVID restrictions - April to August 2020
- COLTS - monthly payments between April and December 2022 - £20 per child April to June; £40 per child July to December
- Dental catch up scheme - free dental check ups and treatment for income support children during 2022
- Parental Support Payment - one off payment of £250 for a single child or £500 for a family with two or more children, provided in early 2023 to families that include a registered worker with low household income

e) explain what data is available in respect of public spending on child education and care for children and state what the current level of expenditure per child is?"

Spending on child education and care is published in the Annual Report and Accounts for the Government of Jersey and planned expenditure is published in the Government Plan. Latest published figures in the Government Plan 2023 to 2026 Annex are:

| 2023 Estimate £'000 | Near Cash | | Net Revenue | Non-Cash | Net Revenue | FTE |
|---------------------------------------|---------------|----------------|----------------|--------------|----------------|----------------|
| | Income | Expenditure | Expenditure | Depreciation | Expenditure | Employees |
| Children's Social Care & Safeguarding | 6 | 31,490 | 31,484 | - | 31,484 | 344.0 |
| Education | 19,666 | 139,687 | 120,021 | 80 | 120,101 | 1,966.0 |
| Integrated Services & Commissioning | 120 | 10,906 | 10,786 | - | 10,786 | 129.0 |
| Office of the Director General | 43 | 4,726 | 4,683 | 37 | 4,720 | 25.0 |
| Young People | 800 | 4,004 | 3,204 | 8 | 3,212 | 54.0 |
| Skills and Student Finance | 585 | 20,095 | 19,510 | - | 19,510 | 41.0 |
| Total | 21,220 | 210,908 | 189,688 | 125 | 189,813 | 2,559.0 |

The Education Directorate provides the regulatory framework for pre-school registered carers, private nurseries and for all education providers. It provides fully government-funded school places for the majority of Island children, and partial funding for some fee-charging schools; it supplies specialist skills into schools, and funds individual educational support packages for the children with the most complex needs.

Education budgets are no longer driven solely by pupil numbers. The funding formula has been reworked in line with the recommendations of the Independent Schools Funding Review. School budgets now reflect a greater proportion of fixed and semi-fixed costs and a smaller proportion of pupil-driven costs.

Education costs per individual child are not therefore readily available and the average is not meaningful at system level. Actual costs per child range widely. Some children have minimal or partial support from the taxpayer and, at the other end of the scale, there are children in fully government-funded schools, who may access centrally provided specialist support and for whom schools receive individual additional funding in respect of their complex needs and/or compensation for disadvantage.

For example, there is an additional allowance to schools for 3043 children who qualify for Jersey Premium. The budget for Jersey Premium is £4,253,000.

The Children's Social Care and Safeguarding directorate provides care for children in the care of the Minister, early interventions to support families on the edge of care, and support for Care Leavers. It also supports all other agencies involved with these children and their families. Again, the average cost per child is not meaningful and the individual cost is not readily available.

| Cohort | Count |
|--|-------|
| Nursery* | 466 |
| Private nurseries | 316 |
| Primary Education* | 5991 |
| Secondary Education* | 5183 |
| Highlands (spring census) Years 12-15. | 615 |
| Total Goj students in non-fee charging schools | 12571 |
| All students 3 to 19 | 15160 |
| Jersey Premium** | 3043 |

| | |
|--|-----|
| | |
| CSCS total cases (incl. care leavers) (Jan 2023) | 590 |
| Early Help total cases (end of Q4 2022) | 241 |

*Numbers relate to government schools only – fee-charging, non-fee paying and special. Numbers accurate at time of January census. Highlands, Private Nursery, EHE and non-provided schools not included.

** Nursery to Year 13 – all government fee-paying and non-fee charging, as well as special schools

2.21 Deputy R.J. Ward of St. Helier Central of the Minister for Children and Education regarding staffing at the Department of Children, Young People, Education and Skills (WQ.295/2023)

Question

Will the Minister state how many staff are currently employed by the Department of Children, Young People, Education and Skills –

- (a) as Advisors to Education in any role;
- (b) as staff on the leadership scale (or current definition of this scale);
- (c) on or above main teaching scale 9; and
- (d) on or below main teaching scale 8?

Answer

- (a) Advisors to Education in any role;

| | |
|---|----|
| ‘Advisors to Education’ work on specialisms / services including: early years; teaching and learning; education psychology/inclusion; speech and language; visual impairment; social, emotional, mental health and wellbeing; autism and communication difficulties; special needs/disabilities; looked after children, outreach/school transitions, governance and health and safety. These roles include those with ‘advisor’ in the role title, as well as ‘support officer’, ‘therapist’, ‘psychologist’, ‘teaching assistant’ etc. | 31 |
|---|----|

- (b) as staff on the leadership scale across the whole of CYPES (or current definition of this scale);

| | |
|--|----|
| CYPES Senior Leader tier 1 | 1 |
| CYPES Senior Leader tier 2 | 2 |
| CYPES Senior Leader tier 3 | 18 |
| School and College Leaders (head teacher or principal) | 34 |
| School and College Deputy Leaders | 40 |

- (c) all staff on teachers T&Cs on MPS 9 or above
- (d) all staff on teachers T&Cs on MPS 8 or below

| Point on Teaching Pay Scale | Number of employees | Percentage |
|-----------------------------|---------------------|------------|
| 15 | 488 | 50.5% |
| 14 | 48 | 5.0% |
| 13 | 41 | 4.3% |
| 12 | 33 | 3.5% |
| 11 | 35 | 3.7% |
| 10 | 59 | 6.2% |
| 9 | 30 | 3.1% |
| 8 | 18 | 1.9% |
| 7 | 33 | 3.5% |
| 6 | 29 | 3.0% |
| 5 | 30 | 3.1% |
| 4 | 26 | 2.7% |
| 3 | 38 | 4.0% |
| 2 | 22 | 2.3% |
| 1 Unqualified | 30 | 3.1% |

2.22 Deputy R.J. Ward of St. Helier Central of the Minister for the Environment regarding the e-bike subsidy (WQ.296/2023)

Question

Will the Minister state –

- (a) the current amount of expenditure to date on the e-bike subsidy (i.e. vouchers used in Jersey);
- (b) what percentage does this represent of the funding allocated to the project; and
- (c) what happens to any unspent funding?

Answer

- (a) Since the e-bike grant scheme launched in January 2023, a total of £32,100 worth of grants has been redeemed.
- (b) This represents approximately 11% of the £300,000 earmarked for e-bike grants from Carbon Neutral Roadmap (CNR) policy TR1's Climate Emergency Fund (CEF) allocation.
- (d) Any e-bike grants that expire without being redeemed are reallocated out to someone else in a future quarterly release. The full £300,000 is therefore forecast to be allocated as grants, with no underspend predicted. In the unlikely event of underspend after the final quarterly release (end of 2024), any remaining funds would stay within the CEF for allocation to future CNR-related policies.

2.23 Deputy R.J. Ward of St. Helier Central of the Minister for the Environment regarding the Carbon Neutral Fund (WQ.297/2023)

Question

Will the Minister state the current balance of the Carbon Neutral Fund and the total amount spent from the Fund since its establishment?

Answer

The Climate Emergency Fund was set up in 2020¹ with seed funding of £5M and receives annual income from a proportion of fuel duty. The Carbon Neutral Roadmap² (CNR) proposed the full expenditure from the Fund on carbon reduction policies and was agreed by the States Assembly in 2022, so defining its full expenditure profile for the first 4 years of delivery (2022 – 2025). Prior to the agreement of the CNR, the Assembly agreed some areas of expenditure on sustainable transport and environmental protection and biodiversity initiatives in 2020 and 2021.

It is important to note that there is rollover of funds between years. Thus, whilst underspends represent a lack of policy delivery and of course benefits derived from them, the accumulation of funding means that as soon as agreed policies are launched, they remain fully funded and no overall budget is lost.

The current balance of the Climate Emergency Fund at 31 December 2022 was £9.29M and expenditure was £3.374M (table 1).

| CEF ACTUAL Cash balance | 2020 | 2021 | 2022 |
|---|--------------|--------------|--------------|
| | '000 | '000 | '000 |
| Opening balance (at the beginning of the year) | - | 6,184 | 6,694 |
| Income (actual) | 6,497 | 2,473 | 3,970 |
| Expenditure (actual) | - 313 | - 1,963 | - 1,378 |
| Closing balance (at the end of the year) | 6,184 | 6,694 | 9,286 |

Table 1: Climate Emergency Fund balance

Please note that due to challenges with the new finance system, it has not been possible to provide more up to date figures. Current 2023 figures should be available at the end of August.

2.24 Deputy L.J. Farnham of St. Ouen, St. Mary and St. Peter of the Minister for Treasury and Resources regarding the cost of the proposed New Healthcare Facilities(WQ.298/2023)

Question

Will the Minister advise members of the total estimated cost of the proposed New Healthcare Facilities up to the planned completion date of 2031?

¹ [R Tackling the Climate Emergency Your Island Your Say HL.pdf \(gov.je\)](#) ToR for the Fund are shown on page 19.

² [Carbon Neutral Roadmap \(gov.je\)](#)

Answer

Ministers are keen to learn from lessons of the past, when full cost details have been made public and have undermined the commercial position of previous projects with contractors. Ministers are, therefore, acutely conscious of the significant risks to the project of making full budget details available to a wide audience.

Under the proposed phased approach to delivery of the programme, we will include financial information in a Government Plan as required for each phase. This will help to mitigate the commercial risk to the project, and supports my policy of ensuring that each phase is affordable before we commit to delivery.

The first phase will consist of providing the urgently needed acute facilities at Overdale which are anticipated to cost less than the previous Our Hospital Project. This phased approach will ultimately allow for greater risk management by controlling expenditure – and therefore affordability – over a longer period of time.

2.25 Deputy M.R. Scott of St. Brelade of the Chair of the States Employment Board regarding the recruitment model applied for both the interim and permanent Chief Executive (WQ.299/2023)

Question

Will the Chair provide full details of the recruitment model applied for both the interim and permanent Chief Executive, including –

- (a) the level of commercial experience and knowledge sought;
- (b) the experience of drafting problem statements, of closed loop processes, and of 8D problem-solving methodology sought, if any;
- (c) the key performance indicators; and
- (d) the standard terms of employment contract?

Answer

- (a) The full requirements for the role were set out in the role profile and candidate information pack. The key areas for assessment were agreed in advance as:

Leadership Experience

- Someone who has credible leadership credentials that demonstrates the ability to lead a complex organisation and delivers measurable outcomes.
- Someone who demonstrates values-led leadership and can bring a range of stakeholders through effective change.
- The ability to lead by example.
- Preferable professional qualification in Directorships or academic qualification in business management.

Experience of leading delivery in similar type organisations

- Experience of larger, complex organisations. Possibly an international or group structure organisation, large public sector institution or highly regulated organisation. This could also

include membership organisations, democratic bodies, or entities where there is a strong focus on customer delivery. Sector agnostic.

- The ability to focus on what is needed and delegate effectively. Putting in place strategies for assurance and delivery.
- Possible experience in leading large, complex programmes of work (including capital)
- Experience of leading systemic and sustained improvements.

Understanding of good governance

- Demonstrates good governance, may reference governance standards or frameworks.
- An understanding of governance (or similar) in the public sector including internal controls, audit, assurance and reporting.
- Evidence of understanding of risk and risk management.
- Understanding of democratic decision-making structures and accountability.

Performance management experience

- Strong demonstration of a focus on performance management with direct reports and across an organisation with measurable results.
- Evidence of strengthening performance and accountability.

Demonstration of ability to manage complex and competing workload

- Demonstrates a broad/complex portfolio of activity and delivery.
- Ability to prioritise and/or focus on what's necessary, at the right level.
- Ability to operate strategically and focus on delivery and achievements.

Leading change

- Demonstration of understanding of frameworks, approaches and / or methods for change management at a strategic level.
- Ability to communicate effectively with a range of stakeholders.
- Experience of delivering successful change (and/or a reflection of when change hasn't worked).
- Ability to demonstrate how change is governed and managed in a complex organisation.

Demonstrating impact and credibility across a range of stakeholders

- Experience of working across a range of stakeholders from Executive through to front line and customers, communities, and citizens.
- Ability to demonstrate an inclusive leadership style, valuing diversity and inclusion to build trust and confidence in the organisation from a range of stakeholders.

Understanding of Jersey's heritage, constitutional aspects and Island identity

- An appreciation of Jersey's needs from an interim CEO.
- Sound grasp of Island life, challenges, benefits and opportunities
- Understanding of the Government agenda and plans

(b) For the interim position, an occupational psychological questionnaire was completed and validated. For the permanent role, a more comprehensive assessment centre will be designed against the permanent role profile.

(c) Key performance indicators will be agreed with the interim Chief Executive Officer at the start of his contract in September 2023.

- (d) Key terms of the employment contract are a salary in the range of £220,000 - £250,000. As a secondment, all other terms and conditions remain as per his current employment.

2.26 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding training of 8D problem-solving and closed loop processes (WQ.300/2023)

Question

Will the Chief Minister provide details of any training given to States Members and staff within the Cabinet Office and the Strategic Policy, Planning and Performance Department on the following areas –

- (a) 8D problem-solving and the drafting of problem statements; and
- (b) closed loop processes;

and will she explain the extent, if any, to which these processes are used in the production of Government policy?

Answer

The Government of Jersey has introduced its own Policy Profession standards and processes, in order to ensure that Ministers are provided with world class advice and support. This has included developing new Policy Professional Standards at all grades, with clear routes for career progression for islanders. It has led to introducing new training and experiences to upskill civil servants in a range of policy strategies and techniques, including how to define the scope of new areas of policy and how to problem solve. This has been supported by an academic partnership with the prestigious King's College of London's International School of Government.

With regards to the particular techniques referenced in a) and b), no programmed training on these two methods is provided as standard, although some individuals may have had this training.

2.27 Deputy M.R. Scott of St. Brelade of the Minister for the Environment regarding the Planning Committee (WQ.301/2023)

Question

Will the Minister state –

- (a) the number of hours during the last 12 months that the Planning Committee was in session for –
 - (i) meetings not held in public; and
 - (ii) hearings of planning applications;
- (b) the number and cost of appeals from Planning Committee decisions during the last 12 months;
- (c) the amount and cost of Independent Planning Inspectors' time to consider and hear appeals against Planning Committee decisions for each 12-month period from 30th June 2020 to date;
- (d) the average cost, per hour, of Independent Planning Inspectors' time to consider and hear appeals against Planning Committee decisions over the last 12 months;
- (e) the number of Members of the Planning Committee who attended each individual hearing for planning applications over the last 3 years; and

- (f) the number of occasions over the last 12 months that each Planning Committee member has recused themselves from hearing a planning application owing to a conflict of interest, if any, together with the nature of the interests declared?

Answer

(a)

(i) During the past 12 months, meetings not held in public were i) site visits, whereby the Planning Committee visits all sites subject to applications being heard in public and the total time was approximately 104 hours and ii) training courses prior to their formation and first meeting which was approximately 16 hours; and

(ii) During the past 12 months, there have been 13 meetings of the Planning Committee held in public and this equated to approximately 104 hours.

(b) During the past 12 months, there were 11 appeals against decisions made by the Planning Committee. The Judicial Greffe administers planning appeals. Not all costs are assigned directly to each appeal; for instance, the Tribunal staff and offices are shared by all tribunals run by the service. Therefore, calculating the average spend for appeal requires assumptions to be made about the allocation of shared costs.

(c) During the past 12 months, there have been 11 appeals against decisions made by the Planning Committee. Data is not held on the cost associated with each appeal, because an inspector will handle multiple appeals in a single engagement and the fee is based on time logged for all appeals considered. This is usually by a day rate rather than hourly rate.

(d) The day rate for an Independent Planning Inspector is £350, which would equate to an hourly rate of £47.50. This is no different if the Inspector is considering an appeal of a delegated decision or Planning Committee decision.

(e) The number of Members of the Planning Committee who attended each individual hearing for planning applications over the last 3 years.

| 2020 | | | | | | | | | |
|-------------|---------------------------------------|--|----------------------------------|--|-------------------------------------|-------------------------------------|---------------------------------|----------------------------------|-----------------------------------|
| | Deputy R. Labey of St. Helier - Chair | Deputy G.J. Truscott of St. Brelade - Vice Chair | Deputy J.M. Maçon of St. Saviour | Connétable D.W. Mezbourian of St. Lawrence | Connétable P.B. Le Sueur of Trinity | Deputy S.M. Wickenden of St. Helier | Deputy R.E. Huelin of St. Peter | Deputy L.B.E. Ash of St. Clement | Deputy K.F. Morel of St. Lawrence |
| 19 Feb 2020 | X | X | X | X | Y | Y | Y | Y | Y |
| 20 Feb 2020 | X | X | X | Y | Y | Y | Y | Y | Y |
| 17 Mar 2020 | Y | Y | X | X | Y | X | Y | Y | X |
| 19 Mar 2020 | Y | Y | X | X | Y | X | Y | Y | X |
| 7 May 2020 | Y | Y | Y | X | Y | Y | Y | Y | Y |

| | | | | | | | | | |
|--------------|---|---|---|---|---|---|---|---|---|
| 11 Jun 2020 | Y | Y | X | X | Y | X | Y | Y | Y |
| 19 Jun 2020 | Y | Y | X | X | Y | X | Y | X | Y |
| 8 Jul 2020 | Y | Y | X | X | Y | Y | Y | X | X |
| 16 Sept 2020 | X | Y | Y | X | Y | X | X | X | Y |
| 17 Sept 2020 | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 15 Oct 2020 | Y | Y | X | Y | Y | X | Y | Y | X |
| 27 Oct 2020 | Y | Y | X | Y | X | X | Y | Y | X |
| 12 Nov 2020 | Y | Y | X | X | X | X | X | X | Y |

| 2021 | | | | | | | | | |
|-------------|---|--|----------------------------------|--|--------------------------------------|-------------------------------------|---------------------------------|----------------------------------|-----------------------------------|
| | Deputy R. Labey of St. Helier - Chair | Deputy G.J. Truscott of St. Brelade - Vice Chair | Deputy J.M. Maçon of St. Saviour | Connétable D.W. Mezbourian of St. Lawrence | Connétable P.B. Le Sueur of Trinity | Deputy S.M. Wickenden of St. Helier | Deputy R.E. Huelin of St. Peter | Deputy L.B.E. Ash of St. Clement | Deputy K.F. Morel of St. Lawrence |
| 14 Jan 2021 | Y | Y | Y | X | Y | X | X | Y | Y |
| | Connétable P.B. Le Sueur of Trinity - Chair | Deputy G.J. Truscott of St. Brelade - Vice Chair | Deputy S.G. Luce of St. Martin | Connétable D.W. Mezbourian of St. Lawrence | Deputy M.R. Le Hegarat of St. Helier | Deputy S.M. Wickenden of St. Helier | Deputy R.E. Huelin of St. Peter | Deputy L.B.E. Ash of St. Clement | Deputy K.F. Morel of St. Lawrence |
| 10 Mar 2021 | Y | Y | Y | X | Y | X | Y | X | Y |
| 11 Mar 2021 | Y | Y | Y | X | Y | X | X | Y | Y |
| 31 Mar 2021 | Y | Y | Y | X | Y | X | X | X | Y |
| 1 Apr 2021 | Y | Y | Y | Y | Y | X | X | X | Y |
| 6 May 2021 | Y | Y | Y | Y | Y | X | X | Y | X |
| 27 May 2021 | Y | Y | Y | Y | Y | X | X | Y | X |
| 24 Jun 2021 | Y | Y | Y | Y | Y | X | X | X | Y |

| | | | | | | | | | | |
|--------------|---|--|--------------------------------|--|--------------------------------------|-----------------------------------|----------------------------------|-----------------------------------|-----------------------------------|----------------------------------|
| 15 Jul 2021 | Y | Y | Y | X | X | Y | X | Y | Y | |
| | Connétable P.B. Le Sueur of Trinity - Chair | Deputy G.J. Truscott of St. Brelade - Vice Chair | Deputy S.G. Luce of St. Martin | Connétable D.W. Mezbourian of St. Lawrence | Deputy M.R. Le Hegarat of St. Helier | Deputy R.E. Huelin of St. Peter | Deputy L.B.E. Ash of St. Clement | Deputy K.F. Morel of St. Lawrence | Deputy J.M. Maçon of St. Saviour | |
| 29 Sept 2021 | Y | Y | X | X | Y | X | Y | X | Y | |
| 30 Sept 2021 | Y | Y | Y | X | Y | X | Y | X | Y | |
| | Connétable P.B. Le Sueur of Trinity - Chair | Deputy G.J. Truscott of St. Brelade - Vice Chair | Deputy S.G. Luce of St. Martin | Connétable D.W. Mezbourian of St. Lawrence | Deputy M.R. Le Hegarat of St. Helier | Connétable M. Troy of St. Clement | Deputy R.E. Huelin of St. Peter | Deputy L.B.E. Ash of St. Clement | Deputy K.F. Morel of St. Lawrence | Deputy J.M. Maçon of St. Saviour |
| 21 Oct 2021 | Y | Y | Y | X | X | Y | X | X | Y | Y |
| 18 Nov 2021 | Y | X | X | Y | X | Y | X | X | X | Y |
| 2 Dec 2021 | Y | Y | X | Y | Y | Y | X | Y | X | Y |
| 9 Dec 2021 | Y | Y | Y | X | Y | Y | X | Y | Y | Y |

| 2022 | | | | | | | | | | |
|-------------|---|--|--------------------------------|--|--------------------------------------|-----------------------------------|---------------------------------|----------------------------------|-----------------------------------|----------------------------------|
| | Connétable P.B. Le Sueur of Trinity - Chair | Deputy G.J. Truscott of St. Brelade - Vice Chair | Deputy S.G. Luce of St. Martin | Connétable D.W. Mezbourian of St. Lawrence | Deputy M.R. Le Hegarat of St. Helier | Connétable M. Troy of St. Clement | Deputy R.E. Huelin of St. Peter | Deputy L.B.E. Ash of St. Clement | Deputy K.F. Morel of St. Lawrence | Deputy J.M. Maçon of St. Saviour |
| 13 Jan 2022 | Y | Y | Y | X | Y | X | X | Y | X | Y |
| 2 Feb 2022 | Y | Y | Y | X | X | Y | X | X | X | Y |
| 3 Feb 2022 | Y | Y | Y | X | Y | Y | X | X | Y | Y |
| 9 Mar 2022 | Y | Y | Y | X | Y | Y | X | X | X | X |
| 10 Mar 2022 | Y | Y | Y | Y | Y | Y | X | Y | X | X |
| 7 Apr 2022 | Y | Y | Y | X | Y | Y | X | X | Y | Y |
| 5 May 2022 | Y | Y | Y | X | Y | Y | X | X | X | X |
| 20 May 2022 | Y | Y | Y | X | Y | Y | X | X | X | X |

| | Connétable P.B. Le Sueur of Trinity - Chair | Connétable K.C. Lewis of St. Saviour | Deputy S.G. Luce of Grouville and St. Martin | Connétable D.W. Mezbourian of St. Lawrence | Deputy M.R. Le Hegarat of St. Helier North | Connétable M. Troy of St. Clement | Connétable R.A.K. Honeycombe of St. Ouen | Deputy T.A. Coles of St. Helier South | Deputy A. Howell of St. John, St. Lawrence and Trinity | Deputy A.F. Curtis of St. Clement |
|--------------|---|--------------------------------------|--|--|--|-----------------------------------|--|---------------------------------------|--|-----------------------------------|
| 29 Sept 2022 | Y | Y | Y | X | Y | X | Y | Y | Y | Y |
| 20 Oct 2022 | Y | Y | Y | X | X | X | Y | X | Y | Y |
| 27 Oct 2022 | Y | Y | Y | X | X | Y | Y | Y | Y | Y |
| 10 Nov 2022 | Y | Y | Y | X | Y | Y | X | Y | Y | X |
| 17 Nov 2022 | X | Y | Y | X | Y | Y | X | X | Y | Y |
| 8 Dec 2022 | Y | Y | Y | X | Y | X | X | Y | Y | Y |

| 2023 | | | | | | | | | | |
|-------------|---|--------------------------------------|--|--|--|-----------------------------------|--|---------------------------------------|--|-----------------------------------|
| | Connétable P.B. Le Sueur of Trinity - Chair | Connétable K.C. Lewis of St. Saviour | Deputy S.G. Luce of Grouville and St. Martin | Connétable D.W. Mezbourian of St. Lawrence | Deputy M.R. Le Hegarat of St. Helier North | Connétable M. Troy of St. Clement | Connétable R.A.K. Honeycombe of St. Ouen | Deputy T.A. Coles of St. Helier South | Deputy A. Howell of St. John, St. Lawrence and Trinity | Deputy A.F. Curtis of St. Clement |
| 26 Jan 2023 | Y | Y | Y | Y | Y | Y | X | X | Y | Y |
| 23 Feb 2023 | X | Y | Y | X | Y | X | Y | Y | Y | X |
| 16 Mar 2023 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 13 Apr 2023 | Y | X | X | X | Y | X | Y | Y | Y | Y |
| 2 May 2023 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 18 May 2023 | X | X | Y | X | Y | X | Y | Y | Y | Y |
| 8 Jun 2023 | Y | Y | Y | Y | X | Y | Y | Y | Y | X |

(f) The number of occasions over the last 12 months that each Planning Committee member has recused themselves from hearing a planning application owing to a conflict of interest, if any, together with the nature of the interests declared.

| 2022 | | | | | | | | | | |
|--------------|---|--------------------------------------|--|--|--|-----------------------------------|--|---------------------------------------|--|-----------------------------------|
| | Connétable P.B. Le Sueur of Trinity - Chair | Connétable K.C. Lewis of St. Saviour | Deputy S.G. Luce of Grouville and St. Martin | Connétable D.W. Mezbourian of St. Lawrence | Deputy M.R. Le Hegarat of St. Helier North | Connétable M. Troy of St. Clement | Connétable R.A.K. Honeycombe of St. Ouen | Deputy T.A. Coles of St. Helier South | Deputy A. Howell of St. John, St. Lawrence and Trinity | Deputy A.F. Curtis of St. Clement |
| 29 Sept 2022 | X | Y (1) | X | X | X | X | Y (2) | X | X | X |
| 20 Oct 2022 | X | X | Y (1) | X | X | X | X | X | X | X |
| 27 Oct 2022 | Y (3) | X | X | X | X | X | X | X | Y (4) | X |
| 10 Nov 2022 | Y (1) | Y (4) | X | X | Y (1) | Y (1) | X | X | Y (1) | X |
| 17 Nov 2022 | X | X | X | X | X | Y (2) | X | Y (1) | Y (2) | Y (3) |
| 8 Dec 2022 | X | Y (1) | Y (1) | X | X | X | X | X | X | Y (1) |
| 2023 | | | | | | | | | | |
| 26 Jan 2023 | X | Y (4) | X | X | X | X | X | X | X | X |
| 23 Feb 2023 | X | X | Y (1) | X | X | X | X | X | Y (1) | X |
| 16 Mar 2023 | X | Y (1) | Y (3) | X | X | X | X | Y (2) | X | Y (1) |
| 13 Apr 2023 | Y (1) | X | X | X | Y (1) | X | X | X | X | Y (1) |
| 2 May 2023 | X | X | X | X | X | X | X | X | X | X |
| 18 May 2023 | X | X | Y (6) | X | X | X | Y (1) | Y (2) | Y (3) | Y (3) |
| 8 Jun 2023 | Y (3) | Y (1) | X | Y (2) | X | X | Y (1) | Y (3) | Y (5) | X |

In the vast majority of cases, members withdraw due to the fact that the application under consideration falls within their constituency. Members of the Planning Committee operate under an agreed Code of Conduct (attached).



Planning
Committee Member:

2.28 Deputy L.V. Feltham of St. Helier Central of the Chief Minister regarding High Value Residents' residency (WQ.301/2023)

Question

In relation to the rules around 'ordinary residence' and 'temporary absence from the Island', will the Chief Minister explain –

- (a) how the rules apply to High Value Residents who take up residence in the Island having been granted Entitled status under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013; and
- (b) whether these rules are applied differently to High Value Residents compared with other residents and, if so, how and why?

Answer

- (a) Residents who hold 2(1)(e) status gain their entitled residential status by virtue of meeting the policy tests for 2(1)(e) applicants, as outlined in the guidance, notably a minimum tax contribution, and due diligence processes, and not by completing (or maintaining) a period of residence.
- (b) They have no special or specific arrangements prescribed in policy regarding ordinary residence and temporary absence, save that their 2(1)(e) entitled status is not based on completing a period of residence.

2.29 Deputy R.S. Kovacs of St. Saviour of the Minister for Economic Development, Tourism, Sport and Culture regarding the Cost of Living Strategy Group and the Inflation Strategy Group (WQ.303/2023)

Question

Further to his comments in the Jersey Evening Post dated 27th April 2023 regarding the Cost of Living Strategy Group and the Inflation Strategy Group, will the Minister advise –

- (a) the number of times, and on what dates, each group has met this year;
- (b) the members of each group and their attendance record;
- (c) whether minutes are kept and, if so, where they are published, if at all; and
- (d) if minutes are not kept or not published, why not?

Answer

The Cost of Living Strategy Group replaces and builds on the work and remit of the previous Inflation Strategy Group formed in 2020.

- a) The group has met on the following dates in 2023;
 - 6th February,
 - 7th March,
 - 6th April,
 - 25th May,
 - 22nd June
- b) Membership of the group and the number of meetings attended their year is as follows:
 - Deputy Kirsten Morel, Minister for Economic Development, Tourism, Sport and Culture (Chair) – 5 meetings
 - Deputy Kristina Moore, Chief Minister – 4 meetings
 - Deputy Elaine Millar, Minister for Social Security – 5 meetings
 - Deputy Ian Gorst, Minister for Treasury and Exchequer – 4 meetings

Additionally, other Ministers and Assistant Ministers have attended specific meetings to speak to agenda items relating to matters within their portfolio.

- c) Minutes of the Cost of Living Strategy Group are kept for internal record keeping purposes and to record actions. These minutes are not published.
- d) While the Council of Ministers is committed to increasing transparency, it remains the case that some information is not published. Minutes of the group are not published in order to maintain a confidential safe space that provides for frank, candid and open discussions between Ministers, including considering sensitive matters around economic policy and the development of fiscal policy. Ministers and officers must be at liberty to express their views, without being unduly influenced by the publication of minutes, and introducing an observed element to the decision-making process could have an impact on the content and nature of discussions. This is the same treatment applied to Part B Council of Minister's minutes.

3. Oral Questions

3.1 Deputy L.V. Feltham of St. Helier Central of the Chair of the States Employment Board regarding retention payments (OQ.133/2023)

Will the chair explain in what circumstances, if any, retention payments have been made to public-sector workers since she took office?

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (Chair, States Employment Board):

The vice-chair will be answering.

Connétable A.N. Jehan of St. John (Vice-Chair, States Employment Board - rapporteur):

Since June 2022 there have been 3 recruitments and retention payments agreed for those in business-critical roles. The reasons were to ensure the completion of a project while the individual was acting up in a more senior role.

3.1.1 Deputy L.V. Feltham:

Could the vice-chair give some further information about what type of role was considered to be a business-critical role and whether the payments were in the standard of the grade in which the people were acting up in?

The Connétable of St. John:

We have a number of business-critical roles. For example, in finance where we need to recruit accountants we are in a very competitive market but the same can be said if we have plumbers. That is also a very competitive market that we are recruiting in. S.E.B. (States Employment Board) discussed this at its meeting on Friday. All recruitment and retention payments are due to be reviewed every 2 years and we have asked for a report at our next meeting, which is at the end of July, and we want assurances that these 2-yearly reviews are taking place.

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

Are these payments targeted ... perhaps not targeted, happen towards the higher end of the pay scales or towards the middle or towards the lower end of pay scales for those involved in the retention payments?

The Connétable of St. John:

It is my understanding that it is across the grades and, in some cases, it requires us to look at regrading jobs. As I mentioned earlier, it could be an accountant, it could be a plumber. It really depends on

the area of work and the competitive market that the individuals are in and where we are trying to attract people from.

3.1.3 Deputy R.J. Ward:

I was not asking about theoretical what happened, I am asking what actually happened. Can I ask the assistant chair whether the payments that were given were within the higher bands or the lower bands in terms of their retention, i.e. where they have had the most highly paid?

The Connétable of St. John:

None of these retention payments have come to the States Employment Board so therefore I believe they would be under the £100,000. I will need to get clarification on that but, as I said earlier, it covers a whole range of jobs that we have in the public service.

3.1.4 Deputy M. Tadier of St. Brelade:

Just to take things back to basics, is it fair to say that the retention payments are there to stop people leaving their jobs, so people who would otherwise be leaving are given a retention payment so they stay in their jobs?

The Connétable of St. John:

I believe that would be what a retention payment would be for but also, as mentioned, are recruitment payments which would be to attract people in the first instance.

3.1.5 Deputy M. Tadier:

Does the Constable recognise that there are lots of business-critical staff working for the Government of Jersey who are not receiving retention payments and do not seem to need these retention payments or are not asking for them to remain in their jobs? What kind of inequality perhaps does that set up in the mind of the S.E.B.?

The Connétable of St. John:

Of course the majority of our staff do not receive recruitment or retention payments but we do offer a competitive package right across the areas that we have in the public sector. Where we have a competitive area; if we need a plumber, for example, at the hospital, we need to retain plumbers. We are trying to in-source jobs where it is feasible and not rely on agencies or outsourcing.

3.1.6 Deputy G.P. Southern of St. Helier Central:

The inference I believe we have got from the answer supplied was that officers could spend 2 years neither promoted nor otherwise regarded acting up. Is that normal practice and if so, is it something that should be happening normally?

The Connétable of St. John:

As a States Employment Board we are reviewing this. As I said earlier, we have asked for a report at our next meeting.

[9:45]

I believe that 2 years is too long. We have put a lot of emphasis on objectives and appraisals and it is another area that we are looking at, following this being brought to our attention.

3.1.7 Deputy G.P. Southern:

Having looked at what the current practice is, will the Assistant Minister return to the House and inform Members what has been going on?

The Connétable of St. John:

I would be happy to return to the House in September and advise of our update from our end of July meeting.

3.1.8 Deputy T.A. Coles of St. Helier South:

Will the vice-chair confirm that the retention payments are made within the civil service pay bands?

The Connétable of St. John:

My understanding is that the payments are over and above the pay band that the job is evaluated at.

3.1.9 Deputy L.V. Feltham:

I think in one of the vice-chair's answers I also heard him refer to recruitment payments. Given that there appears to be existence of both recruitment payments and retention payments, is he admitting that the Government pay is purely not competitive in this very tight labour market?

The Connétable of St. John:

Our pay is incredibly competitive if you take the whole package into account. Our pay includes a very generous pension scheme, in some cases a final salary pension scheme. But in some areas where we are competing, for example with the finance industry for an accountant, we have a very tough job to recruit people. Therefore the payment is necessary in some cases.

3.2 Deputy A. Howell of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding the Health and Community Services Interim Board (OQ.128/2023)

Further to the Assembly's vote on Health and Community Services Interim Board (P.19/2023) and the establishment of an interim non-statutory advisory board, will the Minister commit to ensuring that no legislation is developed to place the board on a statutory basis until the 18-month life of the advisory board has passed and there is an opportunity to review its operations?

Deputy K. Wilson of St. Clement (The Minister for Health and Social Services):

I thank the Deputy for her question. Of course I will commit that no legislation will be proposed until after the Assembly has reviewed the work of the board in 18 months' time and its terms of reference.

3.2.1 Deputy A. Howell:

I just said I understand it was not proposed but will she commit to not developing any legislation?

Deputy K. Wilson:

I would like to just repeat what I have said. That the terms of the reference of the board are clearly outlined and what I will commit to is bringing proposals to the Assembly for further debate and discussion in 18 months' time, after the terms of reference and operations have been reviewed during that period.

3.3 Deputy M.R. Scott of St. Brelade of the Chief Minister regarding Government cost-saving achievements (OQ.129/2023)

Will the Chief Minister identify for Members what she assesses to be the best example of cost-saving achieved by the Government in the last 12 months?

Deputy K.L. Moore (The Chief Minister):

I thank the Deputy for the question. Shortly after entering Government and realising that the rebalancing programme of the previous Government was not delivering the significant savings that it had promised we decided to take a different approach, and have focused particularly through the

Cabinet Office and the Treasury team on a value-for-money project. Also, through the excellent work of the Delivery Unit within the Cabinet Office, a number of streams of work have been undertaken that drive value for money and, in particular, better results for our workforce. I am extremely grateful to the Delivery Unit for their work. They are now delivering an £80,000 a month saving in accommodation costs because previously accommodation was being funded through temporary accommodation. Through this piece of work we now have a much better allocation of accommodation for key workers, in particular. We also are focused of course on going forward and the health turnaround team have a financial business plan, which will deliver a £20 million saving annually within the next 3 years.

3.3.1 Deputy M.R. Scott:

Could the Chief Minister please expand on how the temporary accommodation costs have been saved?

Deputy K.L. Moore:

Gladly. Until recently we had a situation where, for example, nurses were having to spend parts of their shift making calls to hotels to arrange accommodation for their colleagues and we are now developing a centralised accommodation service and more permanent accommodation. We have released over 100 units of accommodation in some Andium properties but also, by redeveloping Westaway Court and making that suitable for our much-needed key workers, that they have a stable source of accommodation when they first arrive here to deliver the much-needed services that they bring their skills here to help us with.

3.3.2 Deputy M. Tadier:

Does the Chief Minister accept that there are perhaps 2 types of cost saving; there is short term and there is longer term and that when it comes to longer-term savings that often upfront investment is needed? Could the Minister give examples of areas that she thinks that investment either has been made or is desperately needed in order to save cost terms both financially and human in the future.

Deputy K.L. Moore:

The purpose of the Delivery Unit is exactly that. To go in and identify ways of working that improve efficiencies and then they hand over to that team to develop within their business as usual. So that those new ways of working, those new practices, are embedded within the organisation and long-lasting. I can also identify of course the health turnaround team where we have made a significant investment but that investment is driving forward much better practice both clinically in terms of service delivery but also in terms of our financial management. As I explained in the previous answer, that team is driving forward improvements in spending in the health service so that in future, within 3 years, we will be delivering a £20 million a year saving.

3.3.3 Deputy M. Tadier:

Does the Chief Minister also accept that if we invest, for example, in things like early years and we invest in sport and preventative health, that that will not show up as a saving in the short term or even necessarily within her term of office, but that maybe in decades to come we will see positive outcomes which include financial?

Deputy K.L. Moore:

As the Deputy should be well aware, I am a big believer in early intervention and, of course, with early intervention methods in terms of, say, the Pupil Premium, but also with sport and, as the Deputy identified, quite rightly, public health programmes, we of course can deliver long-term savings through better health outcomes for Islanders and particularly for children.

3.3.4 Deputy S.Y. Mézec of St. Helier South:

In an earlier answer the Chief Minister referred to the value-for-money programme, which in the most recent Government Plan outlined an ambition for £10 million of savings to be achieved year on year. The future years of which did not have a single penny of that substantiated in that plan. Given the Fiscal Policy Panel has said that savings should not be provided for in a Government Plan where they cannot be identified where they are going to be found, will the Minister commit that the next part of the Government Plan will not contain any plans for value-for-money savings where she cannot point out exactly where those pennies will be found?

Deputy K.L. Moore:

As I think I have outlined, we are already driving value-for-money savings through simple changes to practice and improvements for both service delivery and key workers and public servants. The Deputy is quite right in raising his question, but that is why the value-for-money programme is expressed as it is and has a very simple target which is achievable and one that will, as we progress with some time, be deliverable.

3.3.5 Deputy S.Y. Mézec:

That was not anything close to an answer to my question which was about whether she commits that in future Government Plans the Fiscal Policy Panel's recommendation that it should not include value-for-money savings where the Government cannot substantiate exactly where those savings are coming from, which they recommend for all the right reasons about the negative side effects that can have on other services if the savings are not delivered. Could she answer that question and say whether she commits that she accepts that recommendation and those savings will not be in the Government Plan if they are not substantiated?

Deputy K.L. Moore:

Forgive me if I was not clear enough but I can simply repeat that I agree with the F.P.P. (Fiscal Policy Panel) and their suggestion. It is most sensible. We have only had a year in office so far. We have identified that what went before was not working and that a new approach is required. Therefore we have put forward a sensible target that is achievable and we have identified already in previous answers to questions how we are achieving that, and we will continue to move forward so that in future we can identify these savings that will be delivered. But that moment we have set an achievable target that we are well on progress to delivering.

3.3.6 Deputy L.V. Feltham:

Could the Chief Minister give the Assembly an idea of what criteria she used in order to determine which was the best example that she would use in answer to the original question?

Deputy K.L. Moore:

I thank the Deputy for her answer. I have been most impressed by the Delivery Unit and the dedication with which they have taken the task of their work. It is challenging work but we are really proud of what they are delivering, and I think that it is for that reason that I wanted to identify it so I can share with the assembly this good work. They are a great example to everyone in the public service and I simply am so proud of it that I wanted to share it with the Deputy.

3.3.7 Deputy L.V. Feltham:

I think we heard here that there was no assessment criteria. Perhaps the Chief Minister would be able to provide the Assembly what she means by the definition of "value for money" and how she defines it?

Deputy K.L. Moore:

I think value for money has been well set out in the Government Plan, and it will be set again in the next one. That is a matter for the Treasury team and the particular people who are leading that.

3.3.8 Deputy G.P. Southern:

Is it not the case that value for money is merely another set of words which mean savings? So value-for-money savings is redundant. Can the Minister point to one particular value-for-money saving where she was seen investment in now to gain benefit later among the value-for-money savings that she is talking about?

Deputy K.L. Moore:

Gladly. I think I have already done that but I can of course give the Deputy some further examples because value for money is simply doing things smarter, doing things better. If I can again identify the good work of the Delivery Unit, they have spent a considerable amount of time with the People Hub, refining and improving our recruitment practices so that the process of onboarding people into much-needed roles in the organisation is smoother, slicker and helps the person applying for the job feel a part of our organisation, right from the very beginning. That of course drives value and the process is less burdensome, so therefore administratively more efficient but not necessarily with a distinct saving. I can also point to the £800,000 savings that has been made in the past year by reducing the use of zero hours agency staff by employing people on permanent contracts. I am sure the Deputy will see that that is indeed a step in the right direction. Also another example would be, and going back to recruitment, a greater use of our in-house talent, and the recent recruitment process for our interim chief executive costs two-thirds less than the previous one.

Deputy G.P. Southern:

I do not quite know where to go with this apart from to point out that the phrase “onboarding” people means recruitment. I will leave it there.

[10:00]

The Deputy Bailiff:

Is there a question there? No.

3.3.9 Deputy M.R. Scott:

If I could just follow up in terms of the Chief Minister’s explanations in regard of cost saving and value for money. With respect to these 100 units in the Andium Properties that have been used for key workers and while accepting the value of key workers, will the Chief Minister accept that there is a cost to the community that perhaps needs to be set off there because presumably that means others in our community may well not have use of those properties, and if that has been looked at in terms of her estimation there? Also if she could please just give some numbers in respect of the saving achieved by turning agency staff into permanent staff.

Deputy K.L. Moore:

I think the Deputy will agree that bringing people to the Island with the skills that we need to deliver much needed services, particularly in health and education, is a benefit to our community. If we take the Westaway Court, there was an investment there from the Infrastructure team, but that brought back to life a building that had been left empty for at least the past 4 years and now it is home to over 53 people. That, of course, is a positive thing. Yes, there are some units of Andium’s that are now being used for this programme but again I return to the point that the benefit to our wider community is of great value and we have also carefully managed the impact on our Gateway and our waiting lists.

3.4 Deputy G.P. Southern of the Chief Minister regarding relative poverty of children (OQ.137/2023)

Will the Chief Minister explain what evidence is available to measure how the relative poverty of children in households with an income below 60 per cent of median earnings has changed over the past decade, and what action, if any, she will take to ensure that the level of this poverty reduces over the next 3 years?

Deputy K.L. Moore (The Chief Minister):

As Members will be aware, Statistics Jersey recently published a report on household income distribution based on data collected between October 2021 and November last year. I am grateful to the Stats team for their detailed analysis, which includes statistics on the number of children living in a household with an income below 60 per cent of median. My written answer to question 294 on this subject provides a comprehensive analysis of these figures which, generally speaking, can be described as fluctuating. The Government has set an ambition for all children and young people to have the best start in life, recognising that the early years have a lasting impact and that being loved, being listened to, and receiving a good rounded education are essential to future life chances. Measuring income levels is one important aspect of understanding the support provided to children. But there are many other aspects of government policy, which can also directly benefit children. The Government is committed to improving the education that our children receive, improving the housing that they live in, improving the healthcare they receive, and maintaining a strong economy to give them the best chance of a successful life in the Island.

3.4.1 Deputy G.P. Southern:

In her answer to Written Question 294 that she mentioned, she talks about safeguarding a strong economy and maximising job opportunities. Does that involve a move to the living wage at this stage or remaining with the minimum wage and over what time period?

Deputy K.L. Moore:

A strong economy of course enables people to benefit from social mobility, and pay is an important part of that. I think the Reform members will be quite well aware that last year they committed to a £10 minimum wage in their manifesto, and when we entered Government the Minister for Social Security increased the minimum wage to £10.50. That was a great move in the right direction. We are committed to the living wage and living wage employers. And we have committed to moving towards that in a measured way that is achievable for employers so that they can better benefit both children and their families.

3.4.2 Deputy R.J. Ward:

It is good to hear that the Chief Minister has a manifesto to follow. Given that children in poverty is one of the issues, would the Minister agree that when families are on income support and then have to make a repayment which takes them below those thresholds, if they have children, or indeed if they have to pay off loans for carpets, which were not cancelled by her Government, does that not increase child poverty?

Deputy K.L. Moore:

We focused on putting more money in people's pockets and that last year began with our mini-Budget, which increased tax allowances for those on the lowest of wages and we have increased them, as the Deputy will know, to £18,500, and will be looking to do more, as we can, in this year's Government Plan. There was a good debate in the last sitting with regards to the carpet issue that the Deputy raises, and I think what was agreed in that debate was that there would be a further discussion about how that issue in particular can be better dealt with.

3.4.3 Deputy R.J. Ward:

One of the issues in that debate was that we cannot cancel current loans because the computer system will not allow it and it will take too much staff time. Does the Chief Minister really believe that that is a relentless focus on reducing poverty when the systems that are in place are simply used as obstacles to reduce that poverty?

Deputy K.L. Moore:

I am no fan of systems that create frustration and one of the things that we will do through our value-for-money programme, but also through our drive to do things better, is removing those systems when they can be. I know that the Social Security system is beginning the process of updating and being replaced, so the full intention will be that people who use that system will find it much easier and less frustrating to do so.

3.4.4 Deputy S.Y. Mézec:

The Chief Minister referred in one of her most recent answers to raising the tax threshold in the mini-Budget. Could the Chief Minister explain how that move, in particular, reduces the number of children living in relative poverty?

Deputy K.L. Moore:

Gladly. By increasing the tax allowance it means that people who are paying tax pay less tax, and that has a particularly beneficial impact for those who are earning the lowest wages because, as a percentage, they pay less tax, given the additional allowance that has been granted to them.

3.4.5 Deputy S.Y. Mézec:

Does the Chief Minister not accept that the lowest earning households will be affected not one penny by the raising of tax allowances because they already fall below those allowances and that as a measure, in particular, lifts none of those people out of relative low income?

Deputy K.L. Moore:

Given that the tax allowance is beneath that of the minimum wage or 60 per cent of the median wage ... sorry, would the Deputy like to ask?

Deputy S.Y. Mézec:

Child allowances bring that threshold up.

Deputy K.L. Moore:

We also have increased child allowances and therefore that puts more money in the pockets of families.

3.4.6 Deputy G.P. Southern:

The Minister, and I think I quote accurately, used the phrase “moving towards a living wage”. Would she refine that answer in order to give business more certainty as to how long it is going to take before we adopt the living wage?

Deputy K.L. Moore:

The Assembly, and I am sure the Deputy recalls this, has already agreed to move towards two-thirds of median wage by a date in the future, which I am afraid escapes me exactly but within the next few years, and that I would suggest is certainly moving towards a living wage.

Deputy G.P. Southern:

Could the Chief Minister hunt down that phrase that she missed there and explain to us and business how long it is going to take?

Deputy K.L. Moore:

I will gladly circulate the year of that target to Members.

3.5 Deputy S.Y. Mézec of the Minister for Children and Education regarding the States Employment Board pay policy for teachers (OQ.141/2023)

Will the Minister provide her assessment of the impact the States Employment Board's pay policy for teachers is having on her own ambitions for the recruitment and retention of teachers?

Connétable R.P. Vibert of St. Peter (Assistant Minister for Children and Education - rapporteur):

As the Minister is malade I hope that Deputy Mézec will be happy if I answer the question. Thank you very much. The Minister is concerned about the recruitment and retention of all employees. It is a priority in her Ministerial Plan. Her officers continue to work to enhance recruitment activities and respond to concerns of the workforce that can impact on retention. Considerable effort has been invested into strengthening recruitment capabilities through joint work between the Education Directorate and the Delivery Unit within the Cabinet Office. Developing new candidate attraction approaches, focusing on enhanced candidate management, and streamlining recruitment processes are all having positive impacts. Investment enabled through the Government Plan funding is being deployed to grow the workforce. Schools and C.Y.P.E.S. (Children, Young People, Education and Skills) continue to focus on providing new learning and development opportunities for staff to aid retention. These include funding of development to support leadership, multilingual learners, graduate teacher training and early career teachers among others. We are currently holding 18 vacancies, 7 jobs out of which are on offer ...

Deputy C.S. Alves of St. Helier Central:

Sorry, Sir, can I just interrupt? There is a distinct smell of burning around here.

The Deputy Bailiff:

Perhaps we should suspend the sitting for 5 minutes while this is investigated just in case there is a matter we should all be concerned about. I will suspend the sitting for 5 minutes.

[10:12]

ADJOURNMENT

[10:18]

The Deputy Bailiff:

Members, I think we can resume. Deputy Mézec, for a moment I thought your question had set the house on fire. **[Laughter]** But I was wrong about that. We will continue with the answer from the Connétable.

The Connétable of St. Peter:

Surely, Sir, it was the answer that set the House on fire. **[Laughter]** I will start the paragraph again that I was on. We are currently holding 18 teacher vacancies, 7 of these jobs are out on offer. Eighteen vacancies is just 2 per cent of the headcount of the workforce. Our teacher attrition ratio for the past 12 months is the lowest it has been for 4 years at just 3.6 per cent. We have 88 more teachers than we had in 2014. When looking at attrition rates, the U.K. (United Kingdom) attrition rate for teachers is 9.7 per cent. Our ratios are one that most businesses would be very proud of. That rests of my case.

Deputy S.Y. Mézec:

A point of order, my question was about the Minister's assessment of the impact on the S.E.B. policy on recruitment and retention and the Assistant Minister appeared to mention everything but what my question was about.

The Deputy Bailiff:

It is simply a question of asking the same question again, is it not?

Deputy S.Y. Mézec:

I would like to ask you to refer to the Standing Order to require that so I do not lose my supplementary getting an answer that I should have got the first time round.

The Deputy Bailiff:

I am not satisfied in my own mind that the Connétable did not answer the question but do you want to ask your question again?

Deputy S.Y. Mézec:

No, Sir, I have asked a question about the impact of the S.E.B. pay policy on teacher recruitment and retention and the Minister did not appear to make any reference to that at all.

The Deputy Bailiff:

Do you have a supplementary?

Deputy S.Y. Mézec:

No, Sir, I have my original question which has not been answered in accordance with Standing Orders.

The Deputy Bailiff:

I ruled that it ... Connétable.

The Connétable of St. Peter:

I will expand on the ...

The Deputy Bailiff:

He will expand upon the answer and then you will get your supplementary in the usual way.

The Connétable of St. Peter:

Of course, the assessment would be based on the facts that I have already given. It is quite clear from what I said that most businesses would be proud with ratios of those type, therefore what I would say about the assessment is that we have been very successful on the current levels of pay for the teachers. I do not think I can say anything more than that. The data speaks for itself. We are successfully recruiting staff, retaining staff and training staff.

3.5.1 Deputy S.Y. Mézec:

I think the answer shows a great disrespect to the Assembly for not actually addressing what was in it. Can I take it from his refusal to address that very clear question of S.E.B. policy that his answer could have been better phrased as: "I think it has no impact whatsoever"? Could he offer that perhaps?

The Connétable of St. Peter:

Of course that is the view of my colleague. I feel that I have answered the question. The assessment is that we have been successful and I do not think I need to say any more than that.

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

I do not believe it is just the former teachers in the Assembly who find it quite astonishing to hear from the Assistant Minister words like “pride” and “success” when all of the Island’s teachers will be gathering in the Royal Square tomorrow and are going on strike. There is clearly a mismatch between what is coming out of the mouth of Government and what is really happening in the classrooms. I would urge the Assistant Minister to say that he takes seriously the conditions of teachers, which has forced them to take this action at a time when I am sure none of them wants to be out of the classroom.

The Connétable of St. Peter:

I support the teachers every day. They do a very important job and are dedicated to their roles, which makes such a difference to so many lives. I also support the union’s right to request a pay rise they believe is fair and support their right to take industrial action in accordance with the law. Of course, I wish that we did not have industrial action taking place and I do hope that S.E.B. and the unions can come to some agreement as soon as possible.

3.5.3 Deputy G.P. Southern:

The Assistant Minister suggested that many businesses would be proud of an attrition rate of one in 10. If I was a business man, and I saw my retention rates only at one in 10 then I think I would be ashamed and I would be asking my officers what on earth is going wrong with our system that we are losing one in 10 teachers in the first year, for example.

The Connétable of St. Peter:

I am not quite sure where my colleague has got that ratio of one in 10 because the attrition rate is 3.6 per cent.

3.5.4 Deputy G.P. Southern:

Read any liberal-leaning newspaper is where you will find the answer of one in 10.

The Deputy Bailiff:

Is there are a question? That was a statement.

Deputy G.P. Southern:

I suggest the Assistant Minister reads any liberal-leaning newspaper.

The Deputy Bailiff:

It is still not a question.

Deputy G.P. Southern:

Does he not agree?

The Connétable of St. Peter:

Sorry, I cannot agree because we appear to be quoting the attrition rate of the U.K., which is 9.7 per cent, not the Jersey attrition, which is 3.6.

3.5.5 Deputy R.J. Ward:

Can I ask the Assistant Minister directly: does he believe that the pay method used by S.E.B. is retaining teachers effectively - experienced teachers - and attracting a decent field for every post that is offered?

The Connétable of St. Peter:

Once again, I would go back to the success of both our recruitment and retention and that is taking into account the States Employment Board's pay policy. We currently have 2 per cent teaching vacancies. If we allow for the fact that 7 of the 18 vacancies are out to offer it is even less than that. An attrition rate of 3.6 per cent, which is almost a third of that of the U.K. Government. I am fully aware that one vacancy in a school can have an impact and that some schools will have more vacancies than others. This is why we are working hard on our retention and recruitment. But I cannot accept that the States Employment Board policy has had a particularly negative effect on our attempts for recruitment and retention.

3.5.6 Deputy R.J. Ward:

Does the Assistant Minister understand or agree that, by having a reduced pay increase for the most experienced members of staff, that is actively affecting retention rates of the most experienced staff on this Island?

The Connétable of St. Peter:

I would have to ask my colleague the data that he has based that on given that we have a low attrition ratio of 3.6 per cent. Now if he has some data, if he can bring it forward, I am happy that we will check that and establish what the discrepancies are.

3.5.7 Deputy L.V. Feltham:

I would like to ask the Assistant Minister for some further clarification on the attrition rate, in particular whether the rate that has been quoted includes teachers that may well be leaving at the end of this term?

The Connétable of St. Peter:

The attrition rate I have is for the last 12 months. So it will not see into the future. But I am happy to forward or get the officers to forward any additional information they might be aware of on potential job losses in the forthcoming months.

3.5.8 Deputy L.V. Feltham:

I would welcome that information from the Assistant Minister because I think that might give us a better picture of the attrition rate. Given that the Assistant Minister does not have that information in front of him, has he been briefed by officers about what a forecast might be about the level of vacancies that they might be expecting come September?

The Connétable of St. Peter:

I have. The 18 vacancies that I quoted are what is predicted for September.

3.5.9 Deputy M. Tadier:

It seems to me that for teaching staff and for the unions that retention and recruitment is an issue and, with that in mind, will any of the Ministerial team be attending tomorrow's rally to listen to the concerns of teaching staff and their unions? If not, why not?

The Connétable of St. Peter:

I am always happy to meet staff and hear their concerns on behalf of the Ministerial team. It is important for me to say that I recognise and appreciate the hard work and dedication of our teachers and lecturers. As the Deputy is aware, negotiations on pay are carried out between unions and the States Employment Board and they are not something that I am part of, but I am happy to talk about wider conditions that may be discussed when the unions meet either myself or the Minister.

3.5.10 Deputy M. Tadier:

I did enjoy that answer. Those are all wholesome facts which one would expect from an Assistant Minister, but I am not sure if he said whether anyone would be attending the rally tomorrow from his team, which was of course the original question. If not, why not?

[10:30]

The Connétable of St. Peter:

I think I did answer that. I said that I was willing to meet the staff ...

The Deputy Bailiff:

You did not answer the question, the question was a simple one. Are you or members of your team going to the rally tomorrow? It is a yes or no.

The Connétable of St. Peter:

If, as I leave this building, the rally is going then I will speak to teachers and the union, that will be ... so I would say that that is yes. But of course we are in this Assembly tomorrow so my opportunity would be when we leave this Assembly tomorrow.

3.5.11 Deputy S.G. Luce of Grouville and St. Martin:

Regardless of the Minister's data on attrition and retention, recruitment, payments and pay policy, does the Assistant Minister agree that as things currently are structured it is impossible for teachers to complete all the work required of them during the working day and they have to work weekends and evenings to achieve what they are asked to do?

The Connétable of St. Peter:

I have great admiration for teachers and the work that they do. It is a fact that they will have work during the evenings. However, that is recognised as part of the job that they do, just as many of us, as politicians, have to work in the evenings. I, myself, worked long into the evening on at least 2 or 3 weekdays last week. I do not think that that is particularly unusual.

3.5.12 Deputy S.Y. Mézec:

Could I ask the Assistant Minister if it is his or his team's assessment that the S.E.B. policy of continuing the year's long trend of real terms pay cuts for teachers, for that is what the policy is, has a positive, neutral or negative impact on their ambitions on recruitment and retention?

The Connétable of St. Peter:

I thought we had already answered that. However, I will go back to the data that we have. We have improved recruitment and retention rates, which are, despite what one of my other colleagues said, ones that some businesses would be proud to have. They are quite low rates. It is not only the pay aspect. It is the whole package. Therefore, I do not particularly think that the S.E.B.'s policy has negatively impacted our attempts at recruitment and retention.

3.6 Deputy T.A. Coles of the Minister for External Relations regarding agreements signed with France (OQ.135/2023)

Further to comments by the chief officer for External Relations during a Public Accounts Committee public hearing that several agreements had recently been signed with France, will the Assistant Minister provide details of these agreements and their benefits to Islanders?

Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (Assistant Minister for External Relations - rapporteur):

In 2023, the following have been signed with partners in France: a memorandum of understanding with the region of Brittany; a renewal of the memorandum of understanding with the Department of Ille-et-Vilaine; and a renewal of the memorandum of understanding with the University of Caen. These are all at the regional level, but have been signed with the overall context of the important Jersey French bilateral relationship, which is a priority for this Government. They strengthen our regional links with France and provide a framework for closer co-operation in areas, including education, culture, art, heritage and sport. Such links are vital for promoting people-to-people links, which help our young people develop mutual understanding and provide opportunities to learn from one another.

3.6.1 Deputy T.A. Coles:

Will the Assistant Minister confirm whether information on these agreements were going to be passed on to Assembly Members?

Deputy I.J. Gorst:

My recollection is that they are generally made public. They are not just Jersey partnerships. In the case of the first one, that is a partnership, as I said, with the region of Brittany, including Jersey, States of Guernsey and associated signatories of the States of Alderney and the Chief Pleas. Same with the second one, with the Département of Ille-et-Vilaine, that is Jersey and Guernsey, States of Alderney, and again Chief Pleas. The one with the University of Caen is between the University of Caen and Jersey. I will, if they have not been put into the public domain, make inquiries.

3.6.2 Deputy M. Tadier:

The first question is to ask: between which departments were all of these? He said between the University of Caen and Jersey, but University of Caen is an institution and Jersey is an Island. Can he give examples of which departments all of these have been made by?

Deputy I.J. Gorst:

As the Deputy will be aware from my listing of the signed agreements, it is not the same in all cases. The 2 with the department and the region are at the Government level. They are signed by either the Chief Minister, if she is present, or the Minister for External Relations. The third one is between the University of Caen and the Department of Education. They are agreements which give rise to obligations to departments across Government.

3.6.3 Deputy M. Tadier:

I do have a supplementary. Deputy Coles asked about when States Members would find out about these agreements and the answer seems to be when they are made public, because they are public agreements, so there is no pre-warning. Does the Assistant Minister think that at least the committee of the Assemblée Parlementaire de la Francophonie should be made aware in advance of what workloads are coming through External Relations in times of these bilateral agreements, simply so that we have the knowledge when we are travelling, for example this week, so we know what has been happening?

Deputy I.J. Gorst:

I am sure the Minister would be more than happy to brief the Assembly in the way that the Deputy has requested.

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

Would the Minister not agree that there is great benefit from publicising these agreements to a wider audience? While we have seen the odd snippet in the *Evening Post*, that seems to be as far as it has gone. Would he agree that we could do better at publicising these events?

Deputy I.J. Gorst:

One can always do better with communication, as experience teaches us. I do believe that the Minister and the department do seek to publicise them. There is publicity around the agreements themselves. There is publicity at the signing summit. If more publicity can be given, I am sure that the Minister would be absolutely in support of that.

3.6.5 The Connétable of St. Helier:

Would the Assistant Minister explain to the Assembly how these agreements translate into actions on the ground that reduce the red tape between Jersey and our French cousins in Normandy or distant cousins in Brittany? There is clearly a great appetite on both sides for people to improve their links and improve the flexibility of their travel. How are those agreements achieving that?

Deputy I.J. Gorst:

The reality is, of course, these agreements are around person-to-person links and building stronger relationships. It is in the building of stronger relationships that the Minister for Economic Development, Tourism, Sport and Culture is seeking to enhance trade links with our French partners. It is on building relationships that the Minister for Home Affairs has been able to deliver the changes to the day trip documentation requirements. These really are a framework for building those relationships, upon which tangible actions and benefits can be delivered. The University of Caen and the Department for Education were able to negotiate preferential rates for Jersey students to study at the University of Caen. Various schools have done school-to-school trips. It is in the relationship that we then see the other benefits.

3.6.6 The Connétable of St. Helier:

Would the Assistant Minister agree that the Parishes play an important part in this improving of relations, particularly with Normandy, although there is one errant Parish that is twinned with St. Clement? Would he agree with me that the job of the Maison de Normandie has been enormously helpful, particularly in the recent Twinning Games that took place in Grouville?

Deputy I.J. Gorst:

For my part, I always consider that the Parish-to-Parish relationships are at the bedrock of Jersey's relationship with our French neighbours. It is upon that which we build all of the other relationships and opportunities. I agree with everything the Constable has said, although I perhaps would not be quite so derogatory around the implications of the twinning with the Parish of St. Clement.

3.6.7 Deputy M.R. Scott:

Given that there seems to be a frequency with which the Economic and International Affairs Panel seeks disclosure of these sorts of agreements, as well as memorandum of understanding, would the Assistant Minister support reviewing these, bearing in mind the Government's desire to improve transparency, the impact of such agreements and memorandum of understanding on the community? Would the Assistant Minister support there being a reference bank that is public for such agreements and memorandum of understanding that would be published on the Government's website?

Deputy I.J. Gorst:

I can see no impediment to taking such action.

3.6.8 Deputy S.G. Luce:

I would like to say I wrote to the Minister for Economic Development, Tourism, Sport and Culture and Minister for External Relations 3 weeks ago to say how much French I had heard spoken in St. Helier and how good it was, and that the talks that the Assistant Minister has been talking about have really come into fruition. Can I ask the Assistant Minister to keep the pressure on when it comes to opening of a border inspection post in Grouville and ask him if that work is continuing?

Deputy I.J. Gorst:

It is continuing. It is one of the top priorities of the Minister.

3.6.9 Deputy T.A. Coles:

Would the Assistant Minister please provide assurances regarding due diligence and scrutiny of these agreements so that they are firmly of benefit for Islanders?

Deputy I.J. Gorst:

They are without a doubt a benefit to Islanders in all the ways that I have explained and a myriad of others. As the chair of the Scrutiny Panel responsible for scrutinising External Relations, I have no doubt at all that that panel will continue to do its good work and scrutinise appropriately at the strategic but also at the detailed level of all such agreements. I know the Minister will look forward to continuing that work with the Scrutiny Panel.

3.7 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding non-sector entities and the publishing of information on gender pay (OQ.126/2023)

Will the Chief Minister advise whether any consideration has been given by the Government to requiring non-public sector entities to publish information on gender pay and, if so, to who would be responsible for providing oversight of this publication; and if no consideration has been given, why not?

Deputy K.L. Moore (The Chief Minister):

Consideration has been given as part of work to develop the next Government Plan to requiring non-public sector entities to publish information on gender pay. This is a matter that Ministers consider requires ongoing dialogue with industry and the private sector and not an immediate move to force private entities to publish this information. By way of example, and following the adoption of P.31, the Assistant Minister for Home Affairs, Deputy Jeune, has written to those Ministers with oversight of arm's length organisations to encourage and commence these discussions with a view to information on gender pay within A.L.O.s (arm's length organisations) being published as soon as practicable. We expect to be able to provide an update in this particular respect by the end of 2023, as we continue working more broadly to increase our understanding and transparency around this important issue across the economy.

[10:45]

3.7.1 Deputy M. Tadier:

Does the Chief Minister accept that in addition to the potential for a gender pay gap there is also the possibility, both in the public sector and non-public sector, for pay gaps to do with other minority traits, such as ethnicity or disability? Is her Government concerned about the existence of this pay gap in addition? What steps would she be taking to look at that?

Deputy K.L. Moore:

Equality across all groups is, of course, the desire. Nobody should face disadvantage due to their disability, their gender, their race, anything. We have, of course, as an Island committed to antidiscrimination law. That is the right thing to do. What we do have to balance, particularly in

these times, is the cost of monitoring various measures and the requirement on workforce that that may take. One of the key issues that we have had to grapple with in preparing the Government Plan so far this year is that many costs in growth bids come, not only with financial cost, but also with increased workforce demand. When we have such demands for skills and for homes in key areas of our public service, but also in the private sector, we have to balance out our desires for equality and better data and communication with our needs to service our economy and, of course, our key service areas of health and education.

3.7.2 Deputy M. Tadier:

I understand that argument, but presumably that balance needs to be struck irrespective of which traits we are looking at. If we want to establish whether people are not being paid like for like for any given jobs and if there is any discrimination going on, does the Minister accept it is irrelevant whether that is gender-based, ethnic-based or disability-based and that if that piece of work is going to be done, it should look at all the traits that could possibly be affected and not just one single strand?

Deputy K.L. Moore:

Indeed, as I mentioned in my earlier answer, quality is, of course, centre to that. There is ongoing work, particularly within the Home Affairs brief and the work permit situation. Follow-up checks are being done to ensure that employers are following the responsibilities that they have within the work permit scheme. I will also acknowledge the work of Scrutiny, who are looking into this issue. I applaud them for doing so.

3.7.3 Deputy M.R. Scott:

Given arm's length organisations are in receipt of public funds, will the Minister be reviewing their memorandum of understanding to see if there are reporting requirements on gender pay or to seek that they are introduced into such memorandum of understanding.

Deputy K.L. Moore:

It is my understanding that all the requirements that have been agreed to date are being published.

Deputy M.R. Scott:

Sir, that does not answer my question. My question was whether the Chief Minister will be reviewing the memorandum of understanding herself or her officers will to seek to see whether there are reporting requirements and, if not, to seek in future that they be included in future memorandum of understanding?

Deputy K.L. Moore:

My sense is that that would not be necessary, because all requirements are being fulfilled. If the Deputy has an example that she would like to raise with me then I would, of course, be very happy to understand more.

3.8 Deputy R.J. Ward of the Minister for Children and Education regarding recruitment and retention within education (OQ.131/2023)

Further to the reporting of comments that Jersey is "facing an unprecedented crisis in recruitment and retention within education", will the Assistant Minister explain whether or not it is his assessment that the Island indeed currently faces such a crisis?

The Connétable of St. Peter (Assistant Minister for Children and Education - rapporteur):

I thought we had covered much of this in the previous question, question 5. Recruitment has, without doubt, become more challenging in recent years, as there is a teacher shortage across the U.K., especially in some subjects, such as science and maths. As advised earlier in my answer to Deputy Mézec's question, we have strengthened our recruitment capabilities through joint work between the

Education Directorate and the Delivery Unit within the Cabinet Office. We also continue to focus on providing new learning and development opportunities for staff to aid retention. I go back to that data I quoted earlier. We have 18 teacher vacancies. Of those 18, 7 are out on offer. The 18 is just 2 per cent of the headcount of the current workforce. That 18, as I said, is the predicted number for September. Our teacher attrition ratio for the last 12 months is the lowest it has been for 4 years, at just 3.6 per cent. Are we facing an unprecedented crisis? Over the past 18 months we have taken measures so that we are not facing an unprecedented crisis. The improvement in both retention and attrition over that period is testament to that.

3.8.1 Deputy R.J. Ward:

The quote came from the headteachers, so I would ask the Assistant Minister whether he is going to sit down and tell headteachers that they are wrong, that he knows more about their schools than they do, and whether he will be doing that today, tomorrow, during the demonstration, and when he will make an appointment for himself and his colleagues within the department to sit down and tell headteachers that they are simply wrong about their own interpretation of their own schools?

The Connétable of St. Peter:

We are always interested to sit down and talk with the headteachers and other teachers. If they have data that is significantly different to ours then we would wish to see that. Until I see that data then I cannot comment on that.

3.8.2 Deputy S.Y. Mézec:

It is clear that there is a complete difference in opinion between the profession and the Assistant Minister. Could the Assistant Minister elaborate on why he thinks that those spokespeople for the profession are wrong and he is right?

The Connétable of St. Peter:

I have just answered that in saying that if there is data that we are not aware of then we need to see that. Without seeing that, I cannot comment on that. We have data. We can show that we have recruited additional teachers, 88 more teachers than we had in 2019. We have a lower attrition rate. We have 2 per cent or less vacancies. If there is data out there then bring it to us and we can have a look at it.

3.8.3 Deputy S.Y. Mézec:

Is the Assistant Minister telling us that because he has seen some numbers on a spreadsheet from Broad Street that he is the one living in the real world, while those who are working on the ground dealing directly with these issues are the ones who somehow live in a fantasy land?

The Connétable of St. Peter:

I did not say that. What I said was if there is alternative data, let us see it; bring it forward.

3.8.4 Deputy G.P. Southern:

I love the little chimes there: bring it on. The Assistant Minister says the actions they have taken on recruitment and attrition have avoided, he suggests, any crisis. Could he list for us what actions he has taken on recruitment and attrition?

The Connétable of St. Peter:

I have already said the work that we have done with the Delivery Unit and the Education Directorate. We have a teacher graduate training scheme. Last year we trained 18. We had a further 18 teachers coming through that this year. If my colleague wants further information on what the Education Directorate have done then I am happy to get that for him.

3.8.5 Deputy G.P. Southern:

Is the Assistant Minister aware of what has happened to these 18 trainees this year and last year and how long have they lasted in the job? Has he got information on that? I believe the numbers will be rather different to the ones he confidently predicts?

The Connétable of St. Peter:

I do not have those figures in front of me. As far as I am aware, of those 18 staff the majority of them have been retained. I am happy to get that information, but I do not have it in front of me.

3.8.6 Deputy R.J. Ward:

Could I ask the Assistant Minister to give a time and a date when he will sit down with teachers and headteachers and perhaps do a tour of schools and explain to them why their belief that they are facing an unprecedented crisis and recruitment and retention within education is so wrong?

The Connétable of St. Peter:

At this point, I cannot give a date and a time, but I will ask for a meeting to be set up. But at this point, I cannot give a date or a time and whether the Minister may wish to do that rather than myself.

3.9 Deputy C.S. Alves of the Minister for Health and Social Services regarding MRI scans (OQ.139/2023)

Will the Minister advise what the current waiting time is for M.R.I. (magnetic resonance imaging) scans and explain how patients are prioritised on this waiting list?

Deputy K. Wilson (The Minister for Health and Social Services):

The most available current data that we have is of 17th May 2023 and shows the average waiting time for an M.R.I. scan for patients seen in the previous 3 calendar months, which is February, March and April. What I can say is that there are 158 patients who were triaged as urgent, the waiting time average is at 17 days; 190 patients were triaged as soon, with an average wait of 48 days; and 54 patients were triaged as routine, with an average wait of 169 days.

3.9.1 Deputy C.S. Alves:

Can the Minister go into a bit more detail as to what constitutes urgent? I have heard of a constituent who has been bed-ridden and was given a waiting time of 5 months. Even going privately, was told that it would take 2 months. They ended up getting on a plane and going to Guernsey and having it done in 2 days. I would appreciate it if the Minister could go into a bit more detail as to what constitutes urgent.

Deputy K. Wilson:

This a clinical assessment and the treating clinician will determine that. If we take, as a general rule, that we would aim to see people within a 2-week period if they were urgent and within 6 weeks if it was a soon appointment. We do not have any defined standard for routine. I am concerned to hear that there is a member of the public who has experienced that particular scenario. I am happy to take the particular circumstances of that particular individual forward and address those outside of the Chamber.

3.9.2 Deputy R.J. Ward:

Given the vital importance of early diagnosis, particularly of certain cancers, can the Minister assure the public that the waiting time for M.R.I., which is so important in diagnosis and treatment of many types of cancers, is on that priority waiting list? What does the Minister feel is the maximum time that people are waiting for those scans?

Deputy K. Wilson:

I want to repeat what I have just said, we are working to reduce the waiting times for all of our services across the piece. There is a relentless focus on reducing waiting times. I accept that, in particular, cancer care is a priority for us. Yes, I give that undertaking to commit to improving our response on that. One of the things that we must not lose sight of is that clearly there is a clinical perspective in terms of decision-making. While we will set a standard, it may well be that if a clinician considers that scan to be brought forward then we would do that as a matter of course.

[11:00]

Deputy R.J. Ward:

Sir, before my supplementary, I did ask about waiting times for a specific condition, such as that. I wonder if there is a waiting time the Minister could say before I use up my supplementary, because I would like to use that on something else.

Deputy K. Wilson:

The waiting times, as I have said, we have a system in place to manage the waiting time for referral. The waiting time, in terms of treatment, we do not have a standard from referral to treatment times, which is something that I am looking to introduce.

3.9.3 Deputy R.J. Ward:

Can I ask the Minister, is one of the causes of, perhaps, longer waiting times the difficulty in staffing M.R.I. scanners - they are a very specialist job - and the lack of specific strategies which may also influence waiting times?

Deputy K. Wilson:

Yes, any variation in such a specialist area of practice will have an impact on waiting times. We do keep our eye on this and we are actively recruiting to make sure that we have a sustainable service.

Deputy C.S. Alves:

I would like to thank the Minister for her answer and I will follow up.

3.10 Deputy B.B. de S.DV.M Porée of St. Helier South of the Minister for the Environment regarding schemes to encourage move from cars to public transport (OQ. 143/2023)

In light of the Government e-bike grant and low-carbon heating incentive schemes, intended to support Islanders to move to more environmentally friendly behaviours, will the Minister advise whether he considers similar schemes are required to encourage the move from cars to public transport as the preferred mode of transportation in Jersey; and if so, what does he propose?

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

I thank the Deputy for her question, particularly because it is good to have a chance to talk about how we support environmentally-friendly behaviours, of which the e-bike grant scheme and low-carbon heating incentives are good examples. In terms of whether similar schemes are required to encourage the move from cars to public transport, I would point out that there is much that is already underway. The Government is already incentivising Islanders to use the bus service by supporting the operational costs of the bus service through the operating contract. These payments from the Government to the operator allow the fares that passengers pay to be held significantly below the break-even level that would otherwise have to be charged. The bus service sits within the remit of my colleague, the Minister for Infrastructure, but I am happy to put on record my support in principle for initiatives that enhance the levels of service that encourage new bus users, subject to proper analysis of costs and benefits. So far, I would say that work suggests that rather than cutting fares further, the greatest benefit in terms of a modal shift would be provided by increasing the frequency

of services on key routes and targeted introduction of new routes where there is demonstrable need. I would also point out that our policy on sustainable transport is multifaceted and encourages active travel as well as public transport.

3.10.1 Deputy R.J. Ward:

Given that the bus contract is currently up for negotiation, and in a written question I was not given numbers on how much we spend on the bus company because it is still under negotiation, and the link for Active Travel and our carbon neutral roadmap, has the Minister had any input in contract negotiations in terms of the environmental side of his remit and what he would like to encourage and see happen for our public transport service?

Deputy J. Renouf:

Yes, I have had dialogue with officers in the Infrastructure Department and it is true to say that they are very cognisant of the carbon neutral roadmap and the injunction to ... and the sustainable transport strategy and the new contract is being worked on, on the principle that it has to meet those objectives. It is still at a very early stage. Tenders are being invited at the moment. However, it is absolutely the case that those wider aims and ambitions are being built in to the discussions around what that contract should look like.

3.10.2 Deputy R.J. Ward:

One of the reasons that we have the electric bike subsidy and the other subsidy is for the nudge theory, to nudge people towards changing their behaviours. Would the Minister agree that the greatest nudge has been made with the £20 bus pass for a whole generation of young people coming through and moving towards public transport? Would the Minister agree that more is needed in that type of nudge, to change people's behaviours early on?

Deputy J. Renouf:

We need to nudge in lots of different directions, which is why I made the comment in my first answer that the policies that we follow in this regard are multifaceted. Buses will certainly be important for lots of people and certainly my son caught the bus home from school yesterday from town, from his first day at a new school, and seemed to have no problem with that and make use of his bus pass. I am well aware of the benefits of that initiative. I would say that we need to nudge in lots of different directions. That includes in terms of people when they are buying cars that we will want to nudge them in the direction of E.V.s (electric vehicles). We will also want to look at whether or not we can incentivise car clubs and similar shared ownership schemes. There are lots of things we can nudge towards. I would encourage a broad approach rather than a narrow focus.

3.10.3 Deputy T.A. Coles:

Given that only around 23 per cent of the e-bike lottery vouchers were redeemed from the first round of the lottery, has the Minister considered any alternative distributions of this scheme and, if so, what are they?

Deputy J. Renouf:

The question about the success or otherwise of the e-bike incentive, it is worth remembering why we ended up with the lottery. The lottery was a response to the fact that a previous e-bike incentive had been done on a first-come first-served basis and had been massively oversubscribed, and so the money ran out very quickly. There was therefore considerable consumer unhappiness because if you did not happen to get your name down in the first couple of weeks you missed out. The lottery was an attempt to get around that. We are reviewing that because the risk with the lottery is that a lot of people put in speculative bids for e-bikes without necessarily much intention of using it. That may be preventing people who have a definite desire to buy an e-bike, but are not successful in the lottery, from getting their allocation. We are reviewing that.

3.10.4 Deputy L.V. Feltham:

Given that the bus contract is currently under tender, could the Minister advise the Assembly about what discussions he has had and what action has been taken between him and the Minister for Infrastructure to ensure that environmental consequences are considered within that tendering process?

Deputy J. Renouf:

As I have already said, I have had informal discussions with officers on this. The Minister for Infrastructure and I have talked frequently about the need for more sustainable forms of transport. We are at an early stage in terms of the delivery of that contract. I am assured that it is being conducted in a way that takes account of the relevant policies. I will certainly be following that up as things go further down the road.

3.10.5 Deputy L.V. Feltham:

Does the Minister have confidence that the tendering process will, in effect, enable him to meet his objectives as Minister for the Environment and will he undertake to ensure that his conversations with the Minister for Infrastructure enable him to meet his own objectives?

Deputy J. Renouf:

I will certainly, as I say, be having plenty more discussions about the contract I am sure with the Minister for Infrastructure and with his team. I am also aware that there are many factors that have to play into those contract discussions. The environment is certainly a very important one. We also have to think about the route network, in terms of delivering for different sectors of the population and so on. It has an environment objective and other things as well. It is also worth saying that we already do other things relating to that through the Climate Emergency Fund. Members may be aware that there is a certain amount of money set aside in the Climate Emergency Fund to support various activities to do with the bus service. That has been spent on various bus route extensions and using S.G.R.D. (second generation renewable diesel) in some of the bus network and so on. Those discussions about the interaction between infrastructure, the operation of the buses and environmental goals are ongoing and continuous, I would say.

3.10.6 Deputy G.P. Southern:

Can I be more specific than so far we have seen? What particular nudge is at the top of the priorities of the Minister for the Environment to see through over the next 3 years?

Deputy J. Renouf:

I made clear that I would rather have a broader focus than a particular nudge, because we need to incentivise so many different things. It is respectful of the Island's population to acknowledge that people find themselves in different situations and different nudges will work for different people in different situations. Having said that, the question of a nudge in relation to buses, I alluded earlier to the fact that it seems from the work that has been done that increasing route frequency and judicious provision of new routes, where there is proven need, offers the best key, if you like, to unlock changes of behaviour as far as we can see at the moment.

3.11 Deputy T.A. Coles of the Minister for Treasury and Resources regarding UK firms charging VAT and GST (OQ.142/2023)

Will the Minister advise what action, if any, is being taken to stop U.K. firms charging the equivalent of V.A.T. (value added tax) in addition to the 5 per cent G.S.T. (goods and services tax) on goods?

Deputy I.J. Gorst (The Minister for Treasury and Resources):

My understanding is U.K. law does not require V.A.T. to be charged on goods supplied to Jersey. Revenue Jersey has previously reviewed this issue and tell me that they have seen few examples where V.A.T. is charged. The pricing of products, of course, is driven by cost and market conditions. Consumers are always encouraged to be careful and consumers can, of course, refuse to buy where a supplier is seeking to incorrectly charge U.K. V.A.T.

3.11.1 Deputy R.J. Ward:

We often talk about unintended consequences here in this Assembly and it often affects propositions. Can I ask the Minister whether there is an unintended consequence of V.A.T. being charged plus G.S.T., thus people living in Jersey buying goods that perhaps they cannot get hold of in Jersey may be paying more tax on those goods than anyone else?

Deputy I.J. Gorst:

As I said, V.A.T. should not and is not required to be charged on goods which are supplied to Jersey. Revenue Jersey have in the past, and if Members are concerned that it is happening again, they have lobbied in the past the C.B.I. (Confederation of British Industry) and the British Retail Consortium, ensuring that they communicated with their U.K. members to make it clear that Jersey was not within the U.K. V.A.T. zone. If Members are aware of the scenario that the Deputy is asking about then we can seek to intervene in that regard as well. There is, of course, the common international customs valuation of when you would put an amount of either G.S.T. or V.A.T. on a good and Jersey follows that common international customs valuation.

3.11.2 Deputy R.J. Ward:

Furthermore, can I ask the Minister whether he can assure Islanders that goods that are being sold on-Island are not including V.A.T. within their cost price?

[11:15]

Deputy I.J. Gorst:

I am not quite sure whether this is my territory or it is the Minister for Economic Development, Tourism, Sport and Culture's territory, so I will try to be careful. I cannot see, and Revenue Jersey tell me that they cannot find examples, where Jersey retailers are charging V.A.T. If they were to charge V.A.T., that V.A.T. would then have to be sent back to H.M.R.C. (His Majesty's Revenue and Customs). One can see, even in that construct, that it is very unlikely that that would take place. Rather, what the Deputy might be asking is: are Jersey retailers maintaining a U.K. recommended retail price and saying that the cost of V.A.T. is equivalent to transportation and logistics costs and therefore maintaining that price and adding G.S.T. on? I know that previous Ministers for Economic Development, Tourism, Sport and Culture have spoken to the retail industry about how they are marking their products, but there is a cost to transportation of goods to Jersey.

3.12 Deputy S.Y. Mézec of the Minister for Health and Social Services regarding an update on the audit of Rheumatology Services (OQ.142/2023)

Will the Minister provide an update on the audit of rheumatology services, including the number of patients discovered to have been prescribed incorrect doses of their medication, and will she further explain whether she is aware of any other healthcare services that have suffered from similar deficiencies?

Deputy K. Wilson (The Minister for Health and Social Services):

I thank the Deputy for his question. What I want to assure the Assembly and Islanders about is that I remain fully committed to ensuring that we have a thorough review of rheumatology services. The review by the Royal College of Physicians is ongoing. The Royal College have recommended that

H.C.S. (Health and Community Services) should audit the records of patients on biological drugs to check and confirm their treatment and care is advised on 18th May. These patients have had their present care and treatment reviewed by professionally trained, specialist rheumatologists to ensure it is appropriate. What I can assure the Deputy is that once the audit has been completed, which we now expect to be the end of July; there have been some issues around circumstances in which one of the doctors could not complete due to a family crisis, but we are now expecting this to be completed by the end of July. The results need to be quality assured and then we will be able to confirm the findings regarding the inappropriate prescribing of biologic agents. While I am not aware of any concerns of inappropriate prescribing in any other services in H.C.S., the reporting to clinical governance within H.C.S., which I published last year, highlights the scale of the improvements that are required, so that we can be assured that we have the high quality and safe healthcare that Islanders deserve.

3.12.1 Deputy S.Y. Mézec:

I thank the Minister for her answer. The revelations about rheumatology services can understandably cause anxiety about whether the underlying issues that caused those problems exist in other parts of the service; record keeping being quite a key one that could easily be applied elsewhere. Could I ask the Minister what she and her team are doing right now to assess whether those same issues that caused those problems with rheumatology exist in other healthcare services and what assurances she can give us that those will either be uncovered or found to not be a cause for anxiety.

Deputy K. Wilson:

In response to the review into clinical governance arrangements, we have set up a whole workstream to establish the appropriate performance management, auditing and review of clinical care across all specialities. As you can imagine, this is taking some time. It will be data reliant, but will be strengthened by the oversight that the board will provide, who will have a relentless focus on the indicators of quality and safety. It is on that basis that I will be able to account for the Assembly on the areas of concern that the Deputy has highlighted.

3.12.2 Deputy T.A. Coles:

Can the Minister confirm whether or not we have a permanent rheumatologist specialist now on Island?

Deputy K. Wilson:

Yes, I am delighted to say that we have recruited a full-time rheumatologist. I will be making a press statement about that later today. Dr. Sofia Tosounidou, who trained in the medical school at University of Ioannina in Greece, will join as head of rheumatology on 17th July.

3.13 Deputy M.R. Scott of the Chief Minister regarding increased productivity by the Government (OQ.130/2023)

Will the Chief Minister advise whether any one area in Government has increased productivity without introducing additional staff and, if so, will she explain how this has been achieved and measured?

Deputy K.L. Moore (The Chief Minister):

The Council of Ministers is looking to drive a culture in which all colleagues across Government understand and act on their responsibility to ensure value for money for taxpayers. That means seeking to eliminate wasteful processes and focusing on improving service delivery. Departments across Government have a range of initiatives in progress, many of these are small, but nonetheless important, as we strive to embed a culture of continuous improvement across our public service. In respect of the topic raised by the Deputy, one area of improvement has been in the student finance grant application process, which was reviewed in 2022, following its transfer from C.Y.P.E.S. to

C.L.S. (Customer and Local Services). Ultimately, the measure of productivity is a ratio of input to output. From that piece of work we can see that the existing team were upskilled to achieve a call answering rate of 96.5 per cent within an average of 5 seconds. Also colleagues from other teams within the department were trained to support peak flows on emails and phone calls.

3.13.1 Deputy M.R. Scott:

I thank the Chief Minister for her answer. The Chief Minister mentioned value for money in the context of productivity. Will she be looking at the extent to which policies themselves are productive and the extent to which the policymaking process is productive?

Deputy K.L. Moore:

That is an interesting question. Decision and agreement in the Assembly to adopt a policy or not should always take into account its deliverability and also sometimes we have to consider the pressure that it may place on the delivery of other public services or indeed, as I mentioned earlier, the burden on our existing public sector workforce.

3.13.2 Deputy G.P. Southern:

Does the Chief Minister recognise that productivity has been flatlining for the past 20 years and that Government after Government after Government, Minister after Minister, have failed to revive productivity measures within the Island without introducing extra staff? It has not happened. Is that the case and does the Chief Minister recognise this and is she not chasing a chimera?

Deputy K.L. Moore:

I certainly hope not, in terms of chasing a chimera. The Deputy will acknowledge with me that the majority of our workforce are focused on hands-on human-based delivery, which is essential. That is within our health and education sectors, but there are so many other members of our public sector workforce on whom we rely and could not replace with technology. However, the previous Government invested a considerable amount of money in technology, improving our back office systems. That, I do hope, will at some point deliver some efficiencies and greater support administratively to our public service. We will continue to endeavour to improve our productivity by working with the Delivery Unit, as I identified earlier. They have identified really simple processes that can not only improve the speed with which we recruit people to our public service, but also help them to feel a part of our organisation right from the beginning of their interaction with us.

3.13.3 Deputy G.P. Southern:

It is all very warm and woolly. Can I focus on something specific? It is no good having a group of people answering the telephones and they manage to tick the box to say they answered in less than 5 seconds. The real measure is what was the quality of their response? Not 5 seconds or 10 seconds or otherwise. Can the Minister suggest that quality of response is the measure that we need not efficiency savings?

Deputy K.L. Moore:

One of the values of the organisation is customer focus. Indeed, we had a debate about that in the Common Strategic Priorities debate, so the Assembly is very familiar with that. Customer satisfaction is very important and it is something that we do take time to gauge and monitor and measure. I can point the Deputy to Revenue Jersey where they have adopted a new form process for customer inquiries. That, indeed, has received 5 stars in terms of customer satisfaction feedback.

3.13.4 Deputy R.J. Ward:

On the question of productivity, we might be in the Trigger school of productivity. Trigger was a road sweeper for 30 years and he had one broom, but it had 5 different heads and 26 different handles. I wonder whether that is the problem with this question. I would ask the Chief Minister: what is the

definition of productivity that we are using? An ecological term is an increase in biomass, perhaps there is more truth in that, in terms of our workforce, than we would like to admit. Can I ask for the definition of productivity that is being used here?

Deputy K.L. Moore:

That is a great example; I was very fond of “Only Fools and Horses” in my youth. Productivity in this instance, in relation to public service is, as I identified earlier, the ratio of input to output. With the technology advances that we are seeing there is great potential to improve our output with less input. Just a couple of weeks ago I was fortunate enough to visit a large financial institution where they have seen increased productivity to a very great extent, through the simple process of improving administrative processes using technology. That has all been delivered by a home-grown talented team, who are now rolling out their experience and their developments to the rest of their organisation, which is global.

3.13.5 Deputy R.J. Ward:

Can I ask the Chief Minister whether she has a picture of where ideal productivity is? Are we not just simply creating a world of consultancy where we are told yet again we can be more productive by doing this and we are throwing money at it? At what point is the workforce doing enough and they can go home and have a rest?

Deputy K.L. Moore:

This Government has made it very clear that we do not believe in a culture of consultancy. In fact, we are focused on doing the very reverse. We are developing talent and skills and input internally. That is exemplified by the work of the Delivery Unit, where they are helping their colleagues to identify better ways of working so that there is an improved appreciation of work because people spend more time doing the interesting parts of their job than the burdensome administrative tasks that are important but not necessarily the most enjoyable parts of a daily role.

[11:30]

3.13.6 Deputy M.R. Scott:

Thank you for the contributions to this question. The Chief Minister mentioned her definition of productivity in terms of outputs versus inputs, although I believe many would say it is producing more in the way of results with fewer people. I have not heard much in the way of targets. Also, the mention of technology, I would be interested to know exactly how she thinks that is improving performance in terms of targets. With reference to Revenue Jersey, whether she really thinks it is helpful that refunds can only be issued by cheque?

Deputy K.L. Moore:

I thank the Deputy, particularly for that last example which I was not aware, and so I take the point and will endeavour to find out more about it for her. Technology does provide us with a great opportunity, not because we want humans to interact with computers but because we want to simplify the tasks that can be burdensome on human time, so that humans can better do things and interact with other humans to deliver the best effect. Let us focus on healthcare, let us focus on education and smoothing out the burdensome tasks that technology can assist us with. I used in my last answer the example of a financial institution that we visited a couple of weeks ago. That is a real example of how focusing on using technology well to our best advantage can enhance productivity and improve people satisfaction in their own jobs.

Deputy M.R. Scott:

Sir, that did not answer my question.

The Deputy Bailiff:

In what sense; I think it did answer the question?

Deputy M.R. Scott:

Sorry?

The Deputy Bailiff:

In what sense do you say it did not answer the question?

Deputy M.R. Scott:

I was asking in terms of targets, how technology has improved the productivity.

The Deputy Bailiff:

Your last question was a general question about technology and then you asked about the cheques and, in my view, the Chief Minister had answered the question that was posed.

Deputy R.J. Ward:

Sir, can I just say maybe some Members in the Assembly do not know what a cheque is but I would just point that out?

The Deputy Bailiff:

I do, unfortunately.

3.14 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the impact of increases of UK Bank Rate on Jersey households (OQ.138/2023)

For one person that does recognise a cheque when he sees it, not very often. Will the Minister advise what information, if any, is available to the Government regarding the impact of the increases in the U.K. bank rate are having on Jersey households with mortgages, with particular regard to any level of hardship?

Deputy I.J. Gorst (The Minister for Treasury and Resources):

As I said in evidence to the Corporate Services Scrutiny Panel in November, the majority of Jersey mortgage holders hold 5-year fixed-rate mortgages and are, therefore, currently unaffected by the changes in the base rate and will not be until they need to remortgage. Officials discussed with mortgage lenders and were reassured to hear that mortgage lenders will work with any homeowners affected by base-rate changes and that there were no known homeowners at risk of losing their home. The Fiscal Policy Panel is also engaging with lenders to analyse how the recent changes in the base rate are affecting Jersey mortgage holders but our current understanding is that there are very few homeowners' mortgages in arrears.

3.14.1 Deputy G.P. Southern:

The information I am looking for has appeared in the U.K. that some 2.4 million mortgages are due to be renegotiated by the end of 2024 and I wondered if we had any data in Jersey equivalent to that sort of information, which is a level that I would hope that the Treasury can access.

Deputy I.J. Gorst:

The Treasury of course do not have that sort of information. The level of statistics that small jurisdictions like Jersey have, compared to large countries, there is a differential. I understand from the officials that have been speaking to banks, between my answer in November and my standing here this morning, 4 per cent of households will have likely needed to remortgage. The information from lenders remains the same in regard to stress and arrears.

3.14.2 Deputy L.V. Feltham:

Given that the increase in the bank base rate will have an impact on the day-to-day amount of money in people's back pockets, while the Minister may not have data available from banks, what other data or consultation is he doing to inform Government Plan processes and bring forward proposals to help people with the day-to-day cost of living and any impact of this increase in base rate?

Deputy I.J. Gorst:

As I have already answered, officials are continuing to engage with lenders. The Deputy will be aware that my colleague Minister wrote to banks yesterday. That letter has been put into the public domain. The Fiscal Policy Panel are this week on-Island, they are speaking to lenders as well; so that is with regard to any mortgage difficulties. There is of course a Cost-of-Living Ministerial Working Group which is chaired, again, by the Minister for Economic Development, Tourism, Sport and Culture and it is working on potential proposals which could feed into the Government Plan process, which is ongoing.

3.14.3 Deputy L.V. Feltham:

The original question referred to the impact on Jersey households. So does that include any consultation with Jersey households about what hardships they may be suffering at this point in time and how Government can provide distinct help with that kind of hardship?

Deputy I.J. Gorst:

Of course the question says households with mortgages, and that is of course why officials and Ministers are speaking to lenders and the F.P.P. are speaking to lenders; they are the providers of mortgages to those households. With regard to ongoing consultation, my experience is that Islanders are not quite in coming forward with their concerns and we, of course, have had the recent statistical publication around cost-of-living difficulties that Islanders are facing.

3.14.4 Deputy M.R. Scott:

With respect to the Minister mentioning the lack of data on fixed-rate mortgages that could be vulnerable at certain times in the event of an increase in bank interest, will the Minister be looking at a more systemic way of having access to this data?

Deputy I.J. Gorst:

That is a piece of work that has been ongoing for some time and has not yet reached a satisfactory conclusion. As I stand to my feet, I am not quite sure where it sits but I think it probably sits with my colleague Minister sitting in front of me, or perhaps the one sitting 2 seats away from the questioner.

3.14.5 Deputy G.P. Southern:

I am glad to see that the Treasurer has engaged with mortgage holders in an attempt to assure them that life will go on as normal. Does the Minister consider whether an earlier intervention, either from his officers or from the Economic Development officers would have been more appropriate to calm nerves at this tense time with the cost of living going through the roof?

Deputy I.J. Gorst:

It is not just at this time that we have been engaging in that engagement. As I have said, that has been ongoing during the latter part of last year. But of course it was happening before that as well, as we started to see the great difficulties that Islanders were facing with cost of living, and it was the premise behind why we introduced the mini-Budget in the first place; that work started as soon as this Government was elected into office.

3.15 Deputy R.J. Ward of the Chair of the States Employment Board regarding the recruitment and retention crisis (OQ.132/2023)

Will the chair explain whether it is his or her assessment, regarding who is answering, that the recruitment and retention crisis was being fuelled by below-inflation pay deals mixed with an unsustainable increasing workload, as recently reported?

The Connétable of St. John (Vice-Chair, States Employment Board - rapporteur):

Jersey, like other jurisdictions, faces a challenge rather than a crisis when it comes to recruitment and retention of teachers. We have worked hard in recent years to recruit additional teachers and additional teaching support. Pay for teachers and headteachers has gone up more than any other group, apart from nurses, in that period of time. We have also invested heavily in training. Another feature around retention was around career development, a further £1.2 million has been invested in professional development. We are doing many things in many areas to both recruit and retain staff.

3.15.1 Deputy R.J. Ward:

Can I ask the Assistant Minister whether he will sit down with teachers, headteachers, all of the representatives of the teaching profession that are being driven to strike and telling them that he does not agree that there is a crisis and explain why consistent below-inflation pay deals and a sustainable workload is not something they should worry about?

The Connétable of St. John:

We, as the States Employment Board, meet with all representative bodies on a quarterly basis. Our next scheduled meeting with teachers is scheduled for this Friday, where we look forward to exchanging with them. Teachers' pay has increased since 2013 by 22.5 per cent on basic pay against inflation of 24.1 per cent. As I have mentioned earlier, we have recruited additional teaching assistants. The Delivery Unit have worked tirelessly to ensure there are no vacancies currently for teaching assistants. We agreed at our last quarterly meeting with the teachers, when they raised the fact that their terms and conditions had been due to be reviewed in 2019, that we would do a review of terms and conditions and that work has already started.

3.15.2 Deputy S.Y. Mézec:

Does the vice-chair consider that the most recent offer made to teaching staff constitutes a real-terms pay cut?

The Connétable of St. John:

We believe that the pay offer made to teachers, the same is made to other public sector workers, is a reasonable approach. In fact one of our offers would have seen some teachers' salaries rise by 12.1 per cent with a flat pay across the board; that offer was rejected and we are still at the table. We invited the unions to join us at conciliation. We went to conciliation; 2 days after that conciliation we were told by one of the unions that they were going to take strike action while we were in conciliation. When we heard about the strike action we offered arbitration. We are still waiting to hear back from one of the unions but one of the other unions has said it is premature.

3.15.3 Deputy S.Y. Mézec:

It is just going to be the same question again because it was not answered. It may well be that a pay offer can be considered reasonable by some but reasonableness can be subjective. My question to the vice-chair was, and still is, does he regard the pay offer that has been made to teachers, that is at the centre of this dispute now, to be a real-terms pay cut?

The Connétable of St. John:

The pay offer is a fully consolidated pay offer of 7.9 per cent. It does not match the rate of inflation, the current rate of inflation, but we have got a responsibility to make sure that things are affordable and sustainable. We are trying to put more resource, more investment into education and that is what we are aiming to do.

3.15.4 Deputy M. Tadier:

The Constable said that the offer is reasonable. Is he suggesting that teaching staff who are balloted to take industrial action are, therefore, being unreasonable?

The Connétable of St. John:

In terms of ballots, one of the unions had a 51 per cent turnout and out of the overall membership around 43 per cent of staff voted in favour of strike action. Certainly the mood among teachers is mixed. I do not believe it is unreasonable for trade unions to take action when they feel it is necessary. I would much prefer them to sit around the table with our negotiating team and carry on the dialogue.

[11:45]

3.15.5 Deputy G.P. Southern:

Does the Assistant Minister not consider that the words “affordable” and “sustainable” mean what he takes them to mean and they are weasel words that say in fact if you want a pay rise your terms and conditions will be reduced, because that is the reality, is it not?

The Connétable of St. John:

The reality is that we have improved the terms and conditions and have committed to negotiating further the terms and conditions. Investing over £1 million, additional £1 million, in professional development is not about reducing terms and conditions. Investing £1.9 in maternity and paternity leave is not reducing terms and conditions. The teachers still benefit from a final salary paid pension scheme, the only group on our pay list.

3.15.6 Deputy M.B. Andrews:

Taking into account if teachers received the real wage, how much more would payroll expenditure be?

The Connétable of St. John:

Sorry, could you repeat the question?

Deputy M.B. Andrews:

If teachers received an index increase in their earnings in line with inflation, how much more would payroll expenditure be?

The Connétable of St. John:

The pay claim is for the cost of living, plus 5 per cent, that is what the pay claim is and currently the pay offer is 7.9 per cent. The cost of the pay offer is some £5.1 million, which is fully consolidated.

3.15.7 Deputy M.R. Scott:

Does the Assistant Minister have comparative figures for the pay increases in the private sector?

The Connétable of St. John:

I was interviewed recently by a journalist and after we finished the interview I asked them how much they had had as a pay rise and their answer was they had not had a pay rise. The private sector is

offering various amounts, it depends on the industry, so I have not got a comparative figure globally. But we have to try our best not to impact more on inflation and we will have to live within our costs.

3.15.8 Deputy R.J. Ward:

It is difficult to know what to make of those answers. For successive Governments I have approached the issue of teachers' pay where the pay envelope and this Government is no different from the last 3 or 4 in doing so. Does the Assistant Minister agree that that pay envelope, giving more to some - apart from my last written question by the way - make a much smaller proportion of the workforce, giving more to them but much less to the most experienced staff is just fuelling the lack of retention of more experienced staff by saying to them, as has been clear with these answers today, you are not really worth it and we do not want to give you it?

The Connétable of St. John:

I do not agree with that at all. In fact the Deputy will be aware that this States Employment Board has introduced quarterly meetings with all representative bodies so that we can listen and understand the challenges that they face, whatever the profession. In terms of teachers, we have listened. They have told us their terms and conditions had been agreed to be reviewed in 2019; that had not been done. This States Employment Board has agreed to do that and I believe that we are trying to work collaboratively with all the trade unions across all of the sectors.

3.16 Deputy L.V. Feltham of the Chair of the States Employment Board regarding actions taken to address concerns of teachers (OQ.134/2023)

Given the anticipated strike action by teachers on Wednesday, 5th July 2023, will the chair advise what actions, if any, have been taken in recent months to address the concerns of teachers over pay?

The Connétable of St. John (Vice-Chair, States Employment Board - rapporteur):

We started negotiations back in October. Before we enter into negotiation we consider the market conditions, the cost of living, affordability and a number of other things. We have been benchmarking salaries and I can tell Members that the pay offered for a qualified entry-level teacher in Jersey is some 26 per cent higher than in Guernsey. The pay for the top of the scale without any allowances is some £8,400 more than offered in Guernsey. These rates are also very competitive against inner London. We do benchmark. We have gone into conciliation, as I have explained. We have offered arbitration and our doors are still open for discussions.

3.16.1 Deputy L.V. Feltham:

Could the Assistant Chief Minister please inform the Assembly what specific concerns were raised by teachers during negotiations?

The Connétable of St. John:

The negotiations are carried out by the civil servants, the professionals. During our negotiations, our discussions with civil servants, there have been concerns about retention and attraction of S.T.E.M. (science, technology, engineering and maths)-subject teachers in secondary schools. There have been concerns about workloads and we are looking at all of those things as part of the terms and conditions in the wider discussions.

3.16.2 Deputy R.J. Ward:

Can the Deputy Chair - I am getting the title wrong, I apologise - confirm that during these negotiations that are undertaken by officers, officers have the ability to offer more in those negotiations or are they sent into negotiations with a fixed position from which they are not enabled to shift from?

The Connétable of St. John:

Our negotiating team are very experienced people and they are able to come back with suggestions and go into those meetings with suggestions. Currently the policy of the States Employment Board is to offer the 7.9 per cent and that is why we offered to go to arbitration because we feel that it is a fair offer. Our employees' representatives do not believe it is fair and we offered for independent arbitration; that offer is still open.

3.16.3 Deputy R.J. Ward:

The officers that are negotiating, can they come back and suggest to you more or are they set a fixed envelope from which they can negotiate and, therefore, is that negotiation?

The Connétable of St. John:

I believe I have demonstrated that there is negotiation because one of the offers would have seen some members receive up to 12 per cent increase. Of course officers can come back with feedback and suggestions and ideas; they are mandated to go in with a specific amount but if they come back with suggestions it is something that the States Employment Board would clearly listen to. I am not saying that we would change our mind but we would certainly listen.

3.16.4 Deputy L.V. Feltham:

Given the strength of feeling that we have seen from teachers around these pay negotiations, what suggestions did officers come back to S.E.B. with and why did S.E.B. reject those suggestions?

The Connétable of St. John:

The suggestions from the trade unions that their pay claim remains at cost of living plus 5 per cent, we do not believe those to be reasonable. We are looking at whether we can enter into a longer-term deal in future pay years but we are trying to negotiate for this year's pay deal, already several months behind. In terms of the level of feelings, one of the trade unions had a 59 per cent turnout and the other one had a 51 per cent turnout. The Connétable of St. Helier said that all teachers would be on one strike, only one of the trade unions is taking strike action tomorrow.

Deputy L.V. Feltham:

Sir, I do not believe my question was answered. The Assistant Chief Minister said what suggestions the unions had made, my question was specifically related to the suggestions that his officers have made in relation to the unions' concerns.

The Deputy Bailiff:

Yes, do you want to respond to that particular point, Connétable?

The Connétable of St. John:

Yes, Sir. I do not believe the floor of this Assembly is the place for negotiations. The Government Plan sets out the amount of money available to us in terms of staff pay and I believe that it should be left to the States Employment Board and the negotiators to do that negotiation around a table and not across an Assembly floor.

3.17 Deputy C.S. Alves of the Minister for Infrastructure regarding Active Card membership (OQ.140/2023)

Will the Minister advise how many Active Card members have cancelled or not renewed their membership since the beginning of this year, giving a month-by-month breakdown?

Deputy T. Binet of St. Saviour (The Minister for Infrastructure):

I wonder this might be passed over to the Deputy Stephenson, who is the Assistant Minister with responsibility for both sport and sporting facilities.

Deputy L. Stephenson of St. Mary, St. Ouen and St. Peter (Assistant Minister for Infrastructure - rapporteur):

The total number of Active members in June was 4,355 and the net reduction for the first half of the year is 205. The Active membership, like all gym memberships, experiences a natural churn and fluctuates throughout the year, and this is more so in the summer months when members decide to exercise outside. The numbers for 2023 are within the usual range of fluctuation and by month are as follows: January 147, February 132, March 102, April 125, May 171, June 258. Cancellations in May and June this year have increased slightly following the change from Fort Regent to Springfield, and we are closely monitoring this. I would also point out that those figures obviously do not take into account new sales. As an example, in June there were 241 new sales, so only a net reduction of 17 in that month. Overall the Active membership figure is higher than in 2021 and 2022 and remains strong and the facilities are well used by the public. I would be very happy to circulate more detailed figures to States Members.

3.17.1 Deputy C.S. Alves:

Is the Minister able to comment, she mentioned there that the change that happened with the Fort Regent and Springfield may have contributed to some of this? Is any data collected around the reasons why people cancel or do not renew their membership?

Deputy L. Stephenson:

I do not believe so and it is also at the moment not possible to break down where those members were specifically using their membership. Some would maybe be using Les Quennevais, some Springfield, Fort Regent; we do not have that level of data yet. I can certainly feed that back to the team though for future.

3.17.2 Deputy R.J. Ward:

Does the Minister have a point in mind whereby there would be concerns over changes to Active Card membership and the move to Springfield? It seems that if it is not being tracked where people are I am not entirely sure how that will be measured as to the success or not of that move.

Deputy L. Stephenson:

As with any major move of facilities it was always expected that there would be an impact. There were those who did freeze memberships in the immediate run-up to it and may have since cancelled them. There are also new members. We have seen a huge increase on social media interest around Springfield as well. It is a very difficult thing to quantify on both sides of the coin why people may decide to join and why people may decide to leave as well. What I would say at this stage is neither I nor the officers have any cause for concern about the offering at Active. It remains strong, it remains well used. Officers continue to monitor and engage with those providing feedback about the new facility at Springfield and will continue to do so.

3.17.3 Deputy R.J. Ward:

I almost wonder whether the Assistant Minister can confirm how long term that will be monitored because, as was mentioned, it is difficult. Yes, of course it is difficult but we do need to understand whether or not that move has been a success and had a significant effect on the use in that area. Anecdotally, we are being told by local constituency Deputies who have a drop-in there, that there has been a drop in the use of the facility. I just wonder how the Minister is going to track that.

Deputy L. Stephenson:

There are monthly reports that are supplied by officers on usage and reporting to the various K.P.I.s (key performance indicators) that link into the Active portfolio, and myself and the Minister for Infrastructure do receive those regularly, as well as the officers in the reporting line. There are

processes in place which enable that to happen. I think going forward some of the usage data is going to be more accurate because Springfield gym provides a much more accurate system for checking in and checking out, which previously did not exist at Fort Regent. It will be possible to have greater data around that as we go forward. As I say, we will continue to monitor that situation and there are individuals very well-qualified in running gyms, which I admit I am not, who are paying close attention to this move and it is certainly not being ignored.

3.17.4 Deputy M. Tadier:

We know that there has been a net decrease in memberships for Active, and I am slightly concerned that the Assistant Minister says that they are confident there is not a systemic problem but they do not have the information as to why people are leaving. Would she take, I think, Deputy Alves up on her underlying suggestion in the question is that the department should be asking when people cancel or do not renew their membership, exactly why they are doing that?

[12:00]

Similarly, when they do join as to why they are joining. Does she accept it is quite standard procedure for companies and service providers when you go to cancel a subscription, whatever it is for, to have a tick box asking why it is you are cancelling? Would she seek to reflect that back to Active as a constructive suggestion?

Deputy L. Stephenson:

I think, as I did say in my first answer, absolutely I will feed that back to the team. There may well be something in place that does ask the question that I am just not aware of today, but I will find out and feed it back. Yes, I agree it is something that is useful. I would also say that there is perhaps sometimes as well more than one reason which play into it. A tick box does not always provide the full data but speaking to people on the ground and having real-life conversations is also a valuable way of gaining an insight.

The Deputy Bailiff:

That brings the period for oral questions on notice to an end.

4. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture

The Deputy Bailiff:

We now move to questions to Ministers without notice and the first period of questions is for the Minister for Economic Development, Tourism, Sport and Culture and the first question is from Deputy Rob Ward.

4.1 Deputy R.J. Ward:

May I ask the Minister, recently he was quoted about the “brain drain” and said that one of the things to do about educating our children and I quote: “The grants may convert to loan after 5 or 10 years.” Is this something that the Minister is hoping to pursue and, if so, what will be the success criteria of taking this action?

Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Economic Development, Tourism, Sport and Culture):

I made it very clear when I made those statements that this was a personal thought and not in any way government policy. I think that we do, as an Island, need to understand and look at not just the use of our resources in terms of where we are spending our money and where are we getting the best return for that money but also in understanding how we can make sure that young Islanders stay in

the Island or choose Jersey as their future. The brain drain that I was referring to is the statistic, the 50 per cent of Islanders that go to university do not return to the Island. That is, in my opinion, a brain drain and it is something that I am incredibly disappointed with. I am hugely supportive of Islanders leaving Jersey and gaining experience elsewhere. I think that is something we all benefit from, something I have personally benefited from. But I would love to see Islanders choosing to return. I made a really simple statistic public during the election campaign and that was of all my cousins in the Island that have been educated and brought up here; I am the only one left in Jersey. All the rest, they are all graduates and they have all left Jersey and that is the case across many households in the Island, that people do not come back. It is just something that I wish to see us address because I would like to see young Islanders choosing Jersey; those are the things that I was referring to.

4.1.1 Deputy R.J. Ward:

I do note that the Minister did say that he was talking to other Ministers about his idea, but the issue was about getting return on investment. How would the Minister for Economic Development, Tourism, Sport and Culture talk to other jurisdictions who may say: "If you are going to take our graduates to work in your economy you will have to make some sort of return on our investment in doing so"? Is this not simplistic economics that requires a wider consideration of its implications?

Deputy K.F. Morel:

Of course Jersey receives the benefit of other countries' education systems; that is absolutely right. I am incredibly grateful for that too. People have choices they can make, they can choose wherever they want to live in the world. I am just saying that I believe it is right for this Island, this Government, to stand up to young Islanders and say: "Jersey is an amazing place, we would like you to choose Jersey because we would like you to see your future in this Island." That is something I am proud to say to young Islanders and that is something I want this Government to be saying to young Islanders.

4.2 Deputy S.G. Luce:

The growing of hemp in Jersey fields is great for crop rotation and producing nitrogen but not only that it helps with carbon sequestration, soil remediation, it is a super food, provides biofuel, hempcrete, clothing and paper. Does the Minister agree with me that the loss of the Jersey Hemp company is a great disappointment? Can I ask him what efforts he has made to stop that happening?

Deputy K.F. Morel:

Over the past years I have been a Member of the States Assembly who has consistently championed this company, Jersey Hemp. I brought an amendment in the Island Plan to try to make sure that Jersey Hemp could remain at Warwick Farm. My belief in this as an excellent company for the Island has been proven over many years now. It is disappointing that they are faced with these challenges. I am not sure whether they have closed. I have a funny feeling they have not but I would need that to be checked. I have made efforts, though I will not, unfortunately - because I believe there are legal proceedings ongoing - go into any element of my response or the work that I have done as Minister because I believe we have received notification, I believe, of legal proceedings in this area.

4.3 Deputy C.D. Curtis of St. Helier Central:

Deputy Luce has just asked the question I was going to ask. If I can ask a similar one: does the Deputy agree that when imported C.B.D. (cannabidiol) products from other parts of the world are permitted, the exclusion of Jersey Hemp is unfair?

Deputy K.F. Morel:

The Deputy is asking me about another jurisdiction's legislation. I do not have an understanding of other jurisdiction's legislation, so I cannot comment on the fairness of that legislation or not.

4.3.1 Deputy C.D. Curtis:

Does the Deputy at least agree that Jersey Hemp seems to have been cast adrift at this point after being supported previously by the Government?

Deputy K.F. Morel:

I cannot comment on such a matter in this way about the Government's approach or support otherwise because yesterday I was shown a letter which suggests that legal proceedings are commencing and this Government may be a party to those proceedings, so I am unable to comment in those sorts of terms.

4.4 Deputy G.P. Southern:

In response to Written Question 294 asked of the Chief Minister, the Chief Minister said that: "The best way to ensure that all families have a good quality of life is to safeguard a strong economy and maximise job opportunities so parents can provide for their children." Why then do we not have a comparator of young people living in households that are below low-income thresholds in order to compare Jersey with, say, the U.K., France or Sweden?

Deputy K.F. Morel:

I have no real answer for that. It is not something that has been raised with me before and I am not sure that is an area that, as Minister for Economic Development, Tourism, Sport and Culture, I have responsibility for.

Deputy G.P. Southern:

If he did not want to answer it, he did not want to answer it.

4.5 Deputy M.R. Scott:

Given the existence of fraudulent investor schemes such as Juicy Fields in Europe and the high percentage to which all cannabis produced legally remains unsold, with producers destroying more than they sell, what measures have the Government put in place to prevent similar bad actors from entering Jersey's medicinal cannabis industry, whose intention could be to focus on accessing capital markets from producing tonnes of unsellable, low-quality cannabis in Jersey?

Deputy K.F. Morel:

There is stringent due diligence and licensing process around the medicinal cannabis industry in Jersey. It is one in which all the shareholders, I believe, and directors are subject to investigation by the regulatory authorities. Obviously the Island is operating under an agreement, an M.O.U. from the U.K. Home Office in this area. I have no concern about the fitness of the management and the directors of those medicinal cannabis companies in the Island, which number just 5.

4.5.1 Deputy M.R. Scott:

Given the greater of the extent that cannabis will produce and its impact on quality, will the Minister consider a shift from the farming of cannabis production as agricultural and commit to supporting implementation of standard World Health Organization controls on production and all local applicants with a Home Office production licence demonstrating competence in pharmaceutical quality systems?

Deputy K.F. Morel:

In order to be licensed, medicinal cannabis companies in Jersey, in order to export as well, they have to adhere to E.U. (European Union) good manufacturing practice standards. These are world-leading standards that ensure that the quality of goods, in this case cannabis, is absolutely maintained and consistent across the facilities and over time. Those standards are set by both the E.U. and in this case also levelled or required by the U.K. in terms of our M.O.U. with them, so I have no concerns about that quality side.

4.6 Connétable K.C. Lewis of St. Saviour:

While I congratulate the Minister on the rapid reintroduction of the French I.D. (identification) cards, the *carte nationale*, enabling French day-trippers to resume their visits to the Island, is the Minister negotiating with the U.K. Government regarding the proposed E.T.A. (electronic travel authorisation) and how will he propose to do this without compromising the C.T.A. (Common Travel Area) between the islands, the U.K. and Ireland?

Deputy K.F. Morel:

It is a very interesting question and indeed the praise was wonderful but it is aimed entirely at the wrong Minister because both the I.D. cards and the U.K. E.T.A. system on the passports are the preserve of the Minister for Home Affairs. I am unable to tell the Connétable about negotiations. What I will say is what I said to the media yesterday, which is I believe that Jersey needs to be bold and Jersey needs to ensure that U.K. decisions do not drag us further from Europe. I believe we have reached the limit of the distance we can be dragged from Europe, and indeed I am working incredibly hard to bring us closer to Europe, particularly in terms of Jersey's commercial and trading relationships with France and across Europe. I believe that we need to push hard and make sure that Jersey's interests are defended at all times. If the U.K. wishes to drift further away, that is up to the U.K.

4.6.1 The Connétable of St. Saviour:

As I mentioned, the Common Travel Area obviously is very dear to us but how would the Minister, with his colleagues the Council of Ministers, propose to negotiate a separate agreement? If somebody comes on to the Island then they could, with very little identification, hop on a ferry to the U.K.; this is the problem, I think, we are referring to.

Deputy K.F. Morel:

Personally, and I have to speak personally here, I think that is something which can easily be overcome. We already see to some extent the Northern Ireland Windsor Agreement enables just such a thing. As I have said before, that agreement from Northern Ireland looks incredibly like the situation Jersey used to have in terms of being in the E.U. for goods. I believe that all matters like this are entirely achievable, particularly with the use of technology, which means people can be more easily tracked at ports of entry and exit and on a small island with only one port and one airport, I believe it is particularly achievable.

4.7 Deputy M. Tadier:

Can the Minister inform the Assembly how many expressions of interest or tenders were received from parties wishing to put on Jersey's International Air Display?

Deputy K.F. Morel:

Just double-checking, quickly reading my notes, 4.

4.7.1 Deputy M. Tadier:

It is good that it is within his remit that question. Can I ask, what is the policy for his department in asking organisations who have maybe traditionally put on events in Jersey on an annual basis? We might think not just of the air display but also the Battle of Flowers, the International Festival of Motoring are just 2 examples; there will be many others. Is it going to be the case that all of those events which want to be put on need to go out to tender and, if not, where is the level playing field?

Deputy K.F. Morel:

I believe that every event is unique and every situation in this respect is unique. We do review the grants, as a department, we provide to different organisations that provide events in many different ways.

[12:15]

We will choose the most suitable route for those organisations but all organisations and the way they manage our grants and the way those grants are used are always reviewed.

4.8 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:

In relation to Jersey Hemp, and I know the Minister will be disappointed, as many of us, at the current situation because he has championed them before. Would he be prepared, either himself or the Chief Minister or through the External Relations Department, to take up the issue at a political level with the U.K. Government to ensure that Jersey Hemp are being treated equitably? I know in the past when the industry was being established, as Deputy Gorst will remember and others will remember, we had a number of very helpful conversations with a political Ministerial counterpart and I think it would be useful and helpful if the Minister or the Government would undertake to do that.

Deputy K.F. Morel:

I thank the Deputy for the question. Yes, I think that in situations like this we do need to use the relationships that we have. I know that things, as I have said in my earlier answers, are now complicated by legal action, which has been notified to us by the legal representatives of the company in question. That was my only real caveat in this situation, is I would be happy to speak to whichever representatives in the U.K. Government to try to bring this to a resolution but that would have to be done within the confines of now being *sub judice*.

The Deputy Bailiff:

That brings the first period of questions to an end.

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

The Deputy Bailiff:

The second period of questions are questions for the Minister for Social Security.

5.1 Deputy B.B. de S.DV.M Porée:

How aware is the Minister for Social Security of the fact that there seemed to be a reoccurrence breach of employment contracts by employers where workers are subject to zero-hour employment contracts without a choice on the matter and that such abuse tends to affect the most vulnerable workers, such as those working part-time hours and permit workers, migrants?

Deputy E. Millar of St. John, St. Lawrence and Trinity (The Minister for Social Security):

I thank the Deputy for her question. Firstly, if I could cover the situation regarding people who have come here on work permits. People who have come here on work permits must be engaged on a 40-hour contract and it is unlawful for them to be engaged on a zero-hours contract; that is not

permissible under the terms of the work permits. That should not be occurring and I believe Jersey Customs and Immigration Service will look at these matters very carefully. I am not aware of other abuses. Zero-hours contracts work very well for some employers and for some employees. Where they are being abused, then the main area where the Employment Forum suggested an amendment was simply to allow an employee who was regularly working a consistent work pattern to be able to go and ask for that work pattern to be recognised in an amended contract. I have signed a request for law-drafting to put that into law and I would expect to bring that before the States after the summer recess.

5.2 Deputy M. Tadier:

Much is being made from Government that the move to independent taxation is being done for grounds of equality and to avoid coercion in relationships. Does the Minister accept that the same argument can be made for income support claimants being able to claim in their own right and not being assessed on other members of their family's income as to whether or not they can claim?

Deputy E. Millar:

I think that is a slightly different question. I think it is very common in many jurisdictions to assess income support, depending on the household as a whole and not per individual.

5.2.1 Deputy M. Tadier:

I did not ask whether it was common in other countries, I just asked about particularly when it comes equality and coercion in relationships. How can it be right in the 21st century for, let us say, a woman who does not have her own income, who may stay at home to look after the children as part of an arrangement, who has perhaps a wealthy husband but who gives her no money, who is possibly in an abusive relationship and wants to start getting her own money together to be able to leave that abusive situation, to be told by income support: "I am sorry, you do not qualify because your household, your husband earns too much"? Is that not exactly part of the same problem that Government is seeking to address? Would she, therefore, commit to taking this issue seriously and look into that?

Deputy E. Millar:

I believe mechanisms are already there in that situation. I think Deputy Tadier is suggesting that a man earns £80,000 and that we could give his wife income support for reasons that he is not giving her money. I think that is a very, very difficult proposition for any income support system. I believe a woman in that situation there are multiple sources of support for her. If she leaves the marriage she will be supported by income support but it is very difficult to support a woman by giving her money to enable her to save up to leave. But we will support a woman in that situation; I do not believe there is any question of that. Whether she has to leave the marital home and set up on her own, there are numerous agencies will help. There is a crisis point in C.L.S. who will help and the income support system itself is not a barrier to a woman being supported where she is in an abusive relationship which she wishes to leave.

The Deputy Bailiff:

Deputy Scott, your light was on briefly.

5.3 Deputy M.R. Scott:

Will be the Minister be raising the social security pension in the Government Plan and will she be taking into account the fact that the pension is taxable?

Deputy E. Millar:

I am sorry, I did not quite catch the end of the Deputy's question.

Deputy M.R. Scott:

Will she be taking into account in any raise of the social security pension that this is taxable for many people?

Deputy E. Millar:

The social security pension, I believe, is not taxable because it is below the income tax threshold. Somebody who only receives the old age pension will not be paying tax. The social security pension will increase in the summer in line with our normal mechanisms.

5.4 Deputy G.P. Southern:

Could the Minister explain what measures are in place or under consideration to reduce the level of child poverty on the Island, which currently stands at one in 4 young people who live below low-income thresholds?

Deputy E. Millar:

A number of initiatives have been taken to assist people on low incomes generally. Income support was uprated beyond the level of inflation last year. The minimum wage was increased above the level recommended by the Employment Forum. The mini-Budget is by now rather old news but the reduction in tax specials will certainly help those on low incomes. More recently I have announced that the Community Costs Bonus is available for application now. You can apply for the Community Costs Bonus right now for this year; that will remain at the doubled amount of over £500. Further initiatives, the work by my team to reduce the cost of G.P. (general practitioner) visits of £20 will help everybody, particularly those on low incomes. We will very shortly be announcing the launch of the scheme to have free G.P. visits for all children. Children in income support families will already be on the Health Access Scheme and already receive free G.P. visits. We have rolled out free period products, school lunches are being rolled out in more and more schools, and the recent work, although it is less visible than some, with pharmacy will also help in terms of reducing medical costs for some families.

5.4.1 Deputy G.P. Southern:

I have heard several times now that plans are afoot to have all children have free access to their G.P.s. Does the Minister have any tighter timeline than sometime soon?

Deputy E. Millar:

Yes, before the end of this month.

5.5 Deputy L.V. Feltham:

I welcomed the Minister's announcement earlier this week that she has brought forward the date for the Community Costs Bonus this year. However, could she inform the Assembly that given the number of people that under-claimed last time, what changes to the application process, if any, have been made to ensure that people do receive the money that they are indeed entitled to?

Deputy E. Millar:

We have discussed it before and I am not sure it is correct to say that there were under-claims. We did everything we possibly could to publicise that scheme. We will be doing the same this year and although our original estimates for last year would appear to have been very, very much larger than were the case. Last year's scheme supported over 4,000 people. That is, I think, a 4-times increase than the previous year. It certainly did achieve benefits last year. The scheme is there; I would ask every Member of this Assembly to help promote it to their parishioners. We will be conducting again a very detailed marketing plan to reach as many people as we possibly can. But I do not accept in all the circumstances and all the work we have done it is difficult to say that people did not come

forward. People do not come forward, there are many people who do not claim what they are entitled to, even though they need it and I do not know how we reach those people. But we did have a very good outcome last year in comparison to prior years, even though our original estimates were larger than turned out to be the case.

5.5.1 Deputy L.V. Feltham:

I think it might have been in the last sitting I asked about potential for writing to people who may well be eligible because I do believe that we could narrow down the number of households who may be eligible. Would the Minister undertake to give direction to her officers to take the necessary actions so that people who are eligible or could be eligible for the Community Costs Bonus get contacted directly? Because in conversations that I have had with constituents, they make the assumption that because they have been told no by C.L.S. before, they will be told no again.

Deputy E. Millar:

I think it is very difficult to write to people because we do not necessarily have that information. People on income support, I think, do not qualify for Community Costs Bonus. It is saying to people who are not within income support and the only way we can do that is to, I believe, use tax data. I think there are very strict laws around access to tax data. The Comptroller collects tax for the sole purpose of assessing tax and it is not a database that we can freely access for reasons of data protection and privacy; I believe that would need changes to law. But we will continue the messages that it is there. If you qualify then please apply for the benefit. It is a very simple process. There is an online form, you can phone or you can pop into C.L.S. and talk to people there. If you think you qualify, please apply.

5.6 Deputy L.V. Feltham:

Given the Minister's last answer to the question, would she undertake to pursue a data-sharing agreement that would enable her to send the appropriate information to people who may be eligible for the Community Costs Bonus?

Deputy E. Millar:

I believe it is very much more complex than a data-sharing agreement. Data-sharing agreements only work, having negotiated or signed up to several in my last role, where both parties are legally permitted to both ask for and receive the information. I believe that the laws around income tax data are very, very strict and I also know from my previous role that even as Viscount I could not get information from the Comptroller about someone who was bankrupt because he felt that was within the oath. You will be aware, Sir, I imagine, that officers working in income tax take an oath of confidentiality in the Royal Court; that is a very serious oath and the laws are very strict about confidential tax matters. I do not believe a data-sharing agreement is sufficient to allow us to have access to that data.

5.6.1 Deputy L.V. Feltham:

It is my understanding that a data-sharing agreement does in fact already exist in relation to Community Costs Bonus between those 2 entities. Could the Minister confirm whether or not income tax data is indeed used to confirm eligibility once people make their application?

[12:30]

Deputy E. Millar:

When someone makes an application I imagine - I do not know the detail, the Deputy clearly knows more than I do - an application proceeds on the basis that you can send information being sought from the Comptroller. The Comptroller will tell us whether a person pays no tax or whether they pay within the tax threshold for Community Costs Bonus. I think that is slightly different, that is

confirming does somebody pay the requisite level of tax to enable them to get a benefit? I think that is a different question. If you go into the Comptroller of Tax saying: "Please tell us all these people", we then get into questions about fishing exercises. I think it is very difficult for us to just go and ask for information; I believe that is the position.

5.7 Deputy C.S. Alves:

I was glad to hear from one of the Minister's previous answers that the free children's G.P. visits will be in place by the end of this month. Can the Minister commit now that, going forward into next year, this provision will continue.

Deputy E. Millar:

I certainly believe that is the intention. I did not understand it in discussions with my team. I did not understand it to be a temporary scheme. It is a continuing scheme. It is not temporary and will subsist beyond this year.

The Deputy Bailiff:

Thank you. Deputy Tadier.

Deputy M. Tadier:

Sorry, I was being pre-emptive for the Chief Minister's question time.

6. Questions to Ministers without notice - The Chief Minister

The Deputy Bailiff:

In that case, we will bring this series of questions to an end. Well, I think the first question will go to Deputy Tadier.

6.1 Deputy M. Tadier:

I apologise to my other party members and Deputy Scott. I have clear memories a few years ago of then Senator Moore standing up in the Royal Square addressing the rally of I think the teachers' strike in the Royal Square and she was one of the guest speakers alongside I think what were mainly Reform Jersey representatives. Will she be addressing the crowd tomorrow in one form or another, has she had an invite and will any of her Ministerial colleagues or indeed her quasi-party colleagues from Better Way be also addressing the crowd tomorrow?

Deputy K.L. Moore (The Chief Minister):

I thank the Deputy for this question and of course I have a great deal of respect for teachers, as was identified at my last appearance at their last rally. Much has changed, not just my title, since that moment and I think that, tomorrow, the events are in very much a different vein. The vice-chair of the States Employment Board has done an excellent job this morning of answering many questions and setting out the current position. So while I understand that the unions have not invited me or the vice-chair to speak, as far as I am aware, that will probably be because we are in ongoing discussions with them and trying our best to reach a solution. An offer of arbitration has been made, as the vice-chair said, but I think it became apparent in some of the questions this morning it does seem that some elements of the unions are basing some of their position on that of elsewhere and we here in Jersey have a very different position currently to that elsewhere. Our vacancy rate is only 2 per cent, our attrition rate is only 3.6 per cent and, in the last year since we have been in Government, we have, through our focus on recruitment and retention, taken active steps to support teachers in their workload. We have 25 additional teachers now as opposed to at the same time last year. We have employed 47 teaching assistants and taken that up to a full complement, thus supporting teachers in their roles and enabling them to take time over lunch, and we have also employed an additional 29

special educational needs supporters. Therefore, we feel that we have taken a targeted approach to supporting teachers to do their work and to do it well. We have agreed to review terms and conditions which had not been dealt with by the previous Government and we continue to take steps to ensure that our teachers feel valued for the work that they do within our community.

6.1.1 Deputy M. Tadier:

Is that not exactly the kind of answer that the previous Chief Minister would have given when we and she were standing up in front of probably many of the same teaching staff who are back here complaining? So despite that long list that she has read out of things that she thinks her Government is doing right, the teachers are still taking industrial action, short of strike action and actual strike action. We have an unprecedented I think - certainly in my time - threat now from headteachers balloting to also go on strike. Does she accept that, in fact, these measures are not about what is happening elsewhere? These measures are about exactly what is happening in Jersey. We have a cost-of-living crisis which is spiralling. We are seeing teachers who either have mortgages or who have rents that they have to pay that are potentially going up far above any pay increase that is being offered and that this Government needs to start addressing cost-of-living retention issues in Jersey and start listening to the teachers both tomorrow and ongoing.

Deputy K.L. Moore:

We have certainly been listening to the teachers. We have met regularly with all of the unions under the leadership of the vice-chair of the States Employment Board. Those union meetings are generally very constructive, positive and exactly what we wish to do, which is to listen and engage with people so that we can best deal with the real issues that they have such as job planning for doctors and agreeing terms and conditions with teachers. There are so many things that we could say but I do not think that the previous Chief Minister would have been able to give the same answer that I have because they did not have the same relentless focus on recruitment and retention and improving the quality of life for all Islanders that we do. As much as we wish to pay people as much as we possibly can, what we are offering teachers is what we have offered and has been accepted by most other pay groups in the public service, which is what was agreed by this Assembly in the Government Plan. Doing something different to that would of course mean, firstly, that we would have to return to the Assembly but also it would show a lack of rigour in terms of supporting the cost of living for other Islanders because any additional pay offer, as much as we might like to do it, would be inflationary. If we were to meet the teachers' demands, it would take teachers to 25 per cent of the whole public service pay bill, whereas, they only represent 13 per cent of that. Finally, if I could, in a situation where a new entry teacher in Jersey is, this year, earning just shy of £10,000 more than one in inner London, we have to deliver something that is balanced and fair not just for teachers but for all Islanders.

6.2 Deputy S.G. Luce:

Yesterday, parents with small children at Acrewood Nursery were told that, from September, the nursery will close at 3.30 in the afternoon and not 6 o'clock. More than a few parents have contacted me about this with one saying that they are really worried the nursery may close altogether but one said this, and I quote: "If Jersey does not have enough nurseries, how do Government expect parents to go back to work?" Can I ask what the Chief Minister's response to that is, please?

Deputy K.L. Moore:

I thank the Deputy for raising this example. I was not aware of it but we have absolutely recognised the importance of childcare and the barrier that can present to people engaging in our economy and work which most parents wish to do and in fact need to do to maintain their standard of living. It is a critical area and one that I know that the Assistant Minister for Education is focused on, and we are working with Home Affairs as well to ensure that we join in the recruitment drive that is necessary

and help to identify workers with the skills that we need to better look after our children and to come and help the much-needed support service that childcare providers offer to Islanders.

6.2.1 Deputy S.G. Luce:

I am pleased the Chief Minister used the word “critical” because there is an absolute crisis, especially in the east of the Island where parents cannot find places for children in nurseries. Is it time that the Government looked at providing these facilities?

Deputy K.L. Moore:

I would very much like to do that and it would be my desire that we investigate as quickly as we can.

6.3 Deputy T.A. Coles:

How does the Chief Minister view ownership of second or multiple homes? As a business or an investment?

Deputy K.L. Moore:

It is an interesting question and I think that the stamp duty changes that were implemented in the last Government Plan identify that we have a focus on increasing owner occupation and, therefore, trying to encourage those who may wish to invest in property for, I think what would be both business and investment, to think twice about doing so. We will see of course that that has not met favour with all people but we felt that, at the time, it was the best possible policy option to encourage movement in and change in the very levers that we wished to help improve Islanders’ lives with.

6.3.1 Deputy T.A. Coles:

I heard the Chief Minister say an investment business in her answer, so does that mean that these investment businesses should be regulated in the same way that other investment industry is regulated in Jersey?

Deputy K.L. Moore:

Well, that is not something that we have considered and, in fact, many times, regulation can cause issues and reduce productivity in business and Jersey Business are currently looking at barriers to business, and so it would probably not be our first port of call. Ownership of second homes of course in the Island is quite rare and generally people do invest in other properties in addition to their own principal residence for rental purposes or for helping to home family members or staff if they are in that situation.

Deputy K.F. Morel:

Sir, could I just say Deputy Coles said that the Chief Minister said “investment business”? The Chief Minister did not say “investment business”. She said “business and investment” which is different so I just thought the premise of the question was wrong.

The Deputy Bailiff:

Well, I think the moment has passed to raise that point.

6.4 Deputy S.Y. Mézec:

Could the Chief Minister inform the Assembly if she is planning to bring forward any rescindment motions at all to overturn any previous decisions of the States Assembly to instead align them with her current policy ambitions? I ask this question in the context of an amendment to the Government Plan which said that the Government Plan would not be the place to do that and they ought to be done by rescindment motions. What is she planning, if anything?

Deputy K.L. Moore:

I do believe that is in train, and thank you to the Deputy for asking the question because I will check what has happened to it because I had expected it to come to the Assembly before now.

6.4.1 Deputy S.Y. Mézec:

That answer sounds like it was referring to one that has specifically come up in the Assembly previously but are there any other rescindment motions that she is planning or would like to bring forward?

Deputy K.L. Moore:

I am afraid not that I can particularly think of at this moment.

6.5 The Connétable of St. Saviour:

Further to my question at the last sitting where I pointed out that St. Saviour will be losing its last bank in 2024, is the Chief Minister aware that in-store post offices appear to be closing around the Island and the effect this will have on the local community?

Deputy K.L. Moore:

I have heard that is a matter of some consideration and I think that that would be something that would be done with the greatest of care and the greatest of regret if that was the action that was taken, but of course the relationship with Jersey Post is through the Minister for Economic Development, Tourism, Sport and Culture and I hope that the Deputy would perhaps ask that Minister the same question.

[12:45]

6.5.1 The Connétable of St. Saviour:

It is Constable now and not Deputy, by the way. I get confused myself, I do not take offence. My supplementary is we are already losing the mail plane. Would the Chief Minister enquire whether this initiative is through the supermarkets or Jersey Post itself? I did give notice to the Chief Minister of this question coming, albeit 10 minutes ago.

Deputy K.L. Moore:

I thank the Connétable for his question. I was slightly thrown by the connection that the Connétable made to the mail plane and the post offices. I did not know if he was bundling up the question into 2 because there are obviously different answers. With regard to the mail plane, my understanding is that that is a matter of Royal Mail's policy that has left Jersey Post with little or no room for negotiation, but what I believe they are focused on doing is ensuring that the Islanders of Jersey receive the best quality service that they can. I believe I have already answered the question on the other matter.

6.6 Deputy M.R. Scott:

Referring to recent press reports that the number of civil servants has grown by more than 1,000 since the launch of former chief executive Charlie Parker's One Government Plan in 2018 and the vice-chair of the States Employment Board quoting that what we have to look at is the non-front line services and, when vacancies arise, we need to consider whether we need to replace them or do things differently. When might we expect things to be done differently?

Deputy K.L. Moore:

Well, we started to do things differently on 12th July last year and of course things have continued to be done differently. We do have, as a Government, a different focus but of course we value first and foremost those people offering and delivering front line services in the Island who are numerous.

So if we take education, that is at least 2,000 of the workforce and a similar number of nurses, but what we are doing is addressing the vacancies and managing vacancies. There is a strategic workforce planning process ongoing which is aimed at ensuring that we ask the questions what role is needed, can we fill that vacancy, do we need to fill that vacancy and, if not, what other ways do we have of delivering that service in the best value for money way for Islanders? We look forward to receiving the results of that work and that will form a greater focus as we move forward with the interim chief executive over the next year.

6.61 Deputy M.R. Scott:

It was suggested in a press article that a freeze on the recruitment of senior civil servants will be considered, and I just wondered if the Chief Minister might explain what the impact might be in terms of those departments that already have unfilled vacancies in areas like infrastructure where they are short-staffed.

Deputy K.L. Moore:

We have to be realistic there. As the major employer in the Island, we have an impact on private enterprise when we go out to recruit. Therefore, every vacancy needs to be managed carefully to ensure that it is essential and what has formed an important part of our Government Plan process so far. I am sure Members of the Assembly will hear more about it as we progress but we have very much focused this year not just on the cost of delivering new services and adding growth in budgets but also on the impact on workforce that those bids would have because we have to be able to deliver on those bids and that means often going out to recruit. Therefore, we certainly need to ensure that our workforce is being managed strategically.

The Deputy Bailiff:

Thank you, Chief Minister. That brings that period of questions to an end. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Does anyone wish to speak on the adjournment? The States stand adjourned until 2.15 p.m.

[12:49]

LUNCHEON ADJOURNMENT

[14:17]

The Deputy Bailiff:

Moving back to the Order Paper, there is nothing under J. Under K, there is a statement from the Minister for Infrastructure. Minister.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Minister for Infrastructure will make a statement regarding the Strategic Outline Case and Feasibility Study of the New Healthcare Facilities

7.1 Deputy T. Binet (The Minister for Infrastructure):

This afternoon, I am presenting 2 reports to the Assembly which set out the detailed work that has been done as part of the new healthcare facilities programme since the beginning of the year. Both have been endorsed by the Chief Minister and the remainder of the Council and I believe they provide a rational clear plan for the delivery of a multi-site healthcare programme for the Island, which can be delivered in a swift and cost-effective way. The first is a strategic outline case or S.O.C. for future

reference. For the avoidance of doubt, it has been developed to comply with the requirements of the Public Finances Manual and it is in line with the principles of the U.K. Treasury Green Book guidance on appraisal and evaluation. It outlines the strategic need for change and the economic, commercial, financial and management cases for investment and it is the first stage of the business case justification described in the U.K. Treasury Green Book. I do not intend to repeat the case for change in great detail because Members and Islanders know why it is so absolutely desperate. We have all known for a number of years that our healthcare estate is in poor condition and that it presents significant challenges and difficulties that can only increase over time. The conditions and configuration are not in keeping with modern healthcare requirements or the expectation of the Island's population, and those conditions are compounding the difficulties that we have to recruit staff for Health and Community Services. The S.O.C. compares a long list of options for delivering the programme by assessing them against a number of critical success factors which put operational healthcare delivery and patient safety first and foremost. It concludes that the multi-site option, based on long-term complete replacement of Jersey's healthcare estate, represents the most practical and affordable way forward. It also includes many services that were not incorporated in the Our Hospital project but were due to be delivered in community settings as part of the former Jersey Care Model or by some other previously undetermined programme of work. On this basis, the new healthcare facilities programme represents a master plan for the complete replacement of the healthcare estate. It does not seek to do this by reducing the overall volume of development and squeezing it all on to one undersized site, which is an approach that has failed over the last 10 years. This approach selects the facilities that it needed, divides them in an appropriately functional manner, and then allocates them to existing healthcare sites which are large enough to accommodate them comfortably. Once further design and development work has been undertaken, more detailed business cases will be prepared for each individual project within the programme. At present, we anticipate it may be possible to divide them into as many as 20 such minor projects. The outline business case for the first phase of the programme, delivering an acute hospital at Overdale, will be prepared for September 2023 and included in the 2024 to 2027 Government Plan that will be presented to the Assembly for debate. In order to validate the strategic outline case, the second report or feasibility study was produced following focused clinical engagement and an expert evaluation of a range of factors, including the preferred grouping of healthcare services. It drew on the information accumulated from all the previous hospital experience ensuring we are still getting some value from the money that has already been spent. Most importantly, the split of services was decided by way of engagement with a whole range of clinicians, nurses, medical practitioners and technical health staff. They told us that the most workable split would be between acute services and ambulatory services. In layman's terms, that is inpatients and outpatients. The team examined Overdale and the area around Kensington Place in detail to see what scale of development each site could accommodate. They found that both sites could provide the area needed to deliver the larger of the 2 functions, the acute hospital, at around 45,000 square metres. Ministers also asked the team to consider the possibility of developing a health village in the area of St. Saviour's Hospital to provide an eastern hub and a range of therapeutic and outpatient services alongside mental healthcare. This achieves the desire to combine mental and physical services on one site without mental health patients feeling they have to use the services of a hospital which is quite an important point for anyone familiar with the many difficulties associated with mental illness. The 2 options that were put forward for evaluation were option A, which puts the acute or inpatient hospital at Kensington Place/ Gloucester Street and the ambulatory or outpatient facility at Overdale supported by the St. Saviour's health village. Option 2 proposes the direct opposite. An inpatient hospital at Overdale and an outpatient facility on Kensington Place/Gloucester Street and again a health village at St. Saviour. The evaluation itself was a comprehensive exercise. Over a 3-day period, a series of 5 panel sessions took place independently chaired by Crown Advocate Cyril Whelan examining the clinical, locational, environmental, economic, social and construction aspects of each option. The outcomes could not have been clearer and beyond providing an obvious option for us to take forward, they emphasised that the multi-site approach offered a series

of benefits that a single Our Hospital project simply could not deliver. Most critically, it provides a plan for the redevelopment of the entire healthcare estate ensuring those services that were not contained in the Our Hospital scheme are now provided and in an appropriate location. This includes delivery of an additional 134 beds across 3 sites as well as services like hydrotherapy, physiotherapy, dementia care and rehabilitation and in total that is 30,000 square metres of additional area. Unlike the development of a single-site, single-phase Our Hospital building, the multi-site phased approach does not place all the financial or constructional risk into one huge project with one powerful delivery partner. Notwithstanding we will need some form of external partner at some point, our approach with a series of projects delivered in smaller phases will certainly provide better opportunities for local construction companies, be that for demolition, base works, M. and E. (mechanical and electrical) or the construction itself. Given the greatly improved ratio of build volume to site area, it also provides a great opportunity for future expansion on all sites. That is a very desirable component that could not be achieved with the Our Hospital proposal. This solution does not require substantial changes to Westmount Road or the demolition of Westmount Terrace, the destruction of the Jersey Bowls Club or the utilisation of Warwick Farm for its replacement. This is possible because of a predicted reduction in traffic movements to the Overdale site caused by the separation of inpatient and outpatient services. Indeed, the traffic reduction with option B is such that it would not require the construction of an expensive and unsightly multi-storey car park which the Our Hospital plan had in store for Overdale. A multi-site development also creates additional public space around the old listed hospital building in Gloucester Street and both options allow for the large 1980s building to be transferred to other uses, the most obvious being key worker accommodation. Crucially for many Islanders, the use of both sites will reduce the physical mass on each of them, lowering the impact on both the natural and the built environment. As a result, we will end up with buildings set in a much better proportion to their surroundings. The option that achieved the higher scores in the evaluation process, and the preferred option we want to take forward, is option B and that is delivering an acute hospital at Overdale and outpatients at Kensington Place/Gloucester Street. Perhaps most importantly, option B scored significantly higher in the evaluation by clinicians who rated it as “very good” as opposed to just “adequate” for option A. The clinical evaluation is critical so it must be central to our decision-making process. Equally important to clinicians was the fact that the construction timetable for option B will give us an operational acute hospital by 2028 and that is 4 years earlier than could be achieved if we adopted option A. Given that the inpatient facility requires much more area than the outpatients and the Overdale site is a lot larger than the area available at Gloucester Street and Kensington Place, option B uses both sites to their best possible potential. It optimises space for the use of modern methods of construction and minimises delay in construction due to the better ratio between build volume and site size. Option B also eliminates the impact of construction work on sick patients. In this instance all construction work on the acute or inpatient hospital at Overdale would be devoid of any nearby hospital activity throughout the entire process whereas option A, construction of an acute unit at Gloucester Street/Kensington Place, would have to be undertaken right next to a functioning general hospital, the acute section of which would still be in full operation. Overdale also provides the opportunity for better and more efficient clinical adjacencies due to the larger size of the site. Fortunately, almost 90 per cent of total patient footfall into the existing hospital relates to heart patient or daycare activity. With option B all this will remain in town with much easier pedestrian access, better public transport, and parking. It will also include access to an urgent treatment centre and that is the walk-in part of the current A. and E. (Accident and Emergency). Option B also provides peaceful treatment and recovery space for inpatients at Overdale with increased privacy and better views than the town location. Finally, it provides a more balanced opportunity for future expansion on both sites when compared to option A. As we move forward with the preparation of the outline business case for the first phase of the programme we must provide clarity for Members and for the public on the proposed funding mechanism. As I indicated earlier, this is a programme approach to the healthcare estate and each individual development will form its own financial case but our primary focus must be on the financing and

delivery of the acute hospital at Overdale, along with the lesser sums required to initiate the first steps of the ongoing programme. Having sought advice from debt advisers and the Treasury Advisory Panel, the Minister for Treasury and Resources has indicated that borrowing is considered the most appropriate solution at the present time. This will be achieved by using the revolving credit facility for an initial period of 5 years with an option to extend for a further 2 years. Utilising the R.C.F. (revolving credit facility) to finance the Overdale acute hospital and deliver some enabling works for the other phases of the healthcare estate will provide the greatest level of flexibility to manage our cash flow. It is the shortest form of financing in terms of time and enables the Government to react more easily to changes in financial market conditions, including refinancing over the longer term if necessary. Critically it allows us to preserve the value of the arm of strategic investment portfolio to enable further growth and most importantly to retain the ability to respond to unforeseen events in the future. On the subject of finance, I would also like to raise the issue of transparency and here I find myself in something of an awkward position. On the one hand I am keen to reveal as much financial information as possible as soon as it is available but, on the other, be as commercially-minded as I can. After all, every one of us has an obligation to use taxpayers' money as intelligently as we can. It does not make a great deal of sense to broadcast our costings and available funding to all and sundry, especially in advance of deciding upon the type of contractor arrangements that we intend to adopt. The subject has already been raised with a number of Members in several forums. On a personal level, I have nothing to hide and nothing to gain by being secretive, so I hope to find an appropriate balance with the blessing of this Assembly over the coming weeks. What I can say is that the cost of the Overdale acute hospital will be a good deal less than the like-for-like cost of the single-site Our Hospital project. That said, with an additional 30,000 metres involved in this scheme and double-digit inflation, it is very likely that over the 10-year period the total cost of the new facilities will exceed the total cost of the previous project. These are simply facts that we have to face. The funding needed to deliver the wider estate programme as it develops will be phased into the annual budgetary programme in much the same way as we would include any substantial improvements to the education estate, at least that is the current thinking.

[14:30]

Before taking questions from Members, I would like to offer my sincere thanks to everyone in the new healthcare facilities team. They really have gone above and beyond the normal call of duty to deliver these reports against a very tight timetable. I believe they have produced the most sensible and rational scheme to be brought before the Assembly since the whole lumbering process started a decade ago, one that in the first instance delivers the acute hospital that we desperately need in an acceptable timeframe with as many benefits as is possible to achieve under the circumstances. In addition, they have given up many evenings and weekends to carry out a comprehensive consultation process, meeting various groups of people from different sections of the health service and different areas of the Island. They have done it in a very low-key, feet-on-the-ground manner, seeking to involve everyone in the ongoing process rather than the slightly more dictatorial style adopted in schemes of the past, all of which will help to take as many people with us as we possibly can. As I have said on several previous occasions, the plan may not please everyone but after 10 long years if we can spread the lowest possible level of discontent over the widest possible area, we may finally get the facilities we need in the sequence they are most needed without pushing the Island over the edge of a financial cliff. I am now ready to answer any questions that Members may have, either on the reports themselves or any other area of our approach. Thank you.

The Deputy Bailiff:

Thank you, Minister. We now move on to 15 minutes of questions and the first question is from Deputy Luce.

7.1.1 Deputy S.G. Luce:

The Minister says it “may not please everybody” but it certainly pleases me. I give the Minister my wholehearted support for the proposals he has come forward with today. My only question for him would be this: will he continue to look further into the future and in the area of Kensington Place that he will be able to expand this hospital even further for the benefit of Islanders?

Deputy T. Binet:

The initial plans as they stand will allow for over a third of Kensington Place to remain for expansion. That may be subject to some change where we are still looking at Sutherland Court and trying to make a decision as quickly as we can on that but there will be expansion room on all 3 sites; all of the 3 main sites.

7.1.2 Deputy B. Ward of St. Clement:

It is about the rehabilitation facility that we have now. If plan B is the option, what is going to happen to Samarès Ward and the care of patients who are in need of rehabilitation? What is going to happen with that group of patients?

Deputy T. Binet:

I have already made it plain on a number of previous occasions that we will not move one single brick from the Samarès Ward until we are all very certain that we have got a facility that is either equal to or better than the facility that we have at the moment.

7.1.3 Deputy S.Y Mézec:

Towards the very end of his statement the Minister spoke about the manner in which the team have conducted this work and how they want to take as many people with them as they possibly can. Can the Minister indicate to the Assembly whether he believes that he has succeeded in taking as many of the clinical staff with him as possible?

Deputy T. Binet:

I am certainly hopeful that we have. This was always going to be controversial. I think when the clinicians were looking forward to a single-site solution, the thought of breaking it into 2 sites probably was not that welcome. But, that said, I think with the consultation that has taken place there is a generally good acceptance, albeit that there will be several people still that remain discontent.

7.1.4 Deputy S.Y. Mézec:

He referred to consultation there with those staff. Is the Minister prepared to make public some of the findings of that consultation with the staff so that States Members and the wider public can understand some of the views that were expressed by those staff about the nature of the new healthcare facilities project?

Deputy T. Binet:

I am not entirely sure as to how right that is to reveal people’s individual comments but I can certainly look into that. As I said in my statement, I have certainly not got anything to hide, and anything that can be in the public domain I think should be but it is not something I am prepared to stand here and commit to without knowing exactly what the implications are of sharing people’s views.

7.1.5 Deputy M.R. Le Hegarat of St. Helier North:

I have been to a number of presentations in relation to this hospital and the previous and as a representative of District North have taken a lot of close interest in relation to this and, in particular, the road. In previous discussions, the road was going to be changed significantly. The Minister now says that this is not going to be the case. What I need reassurance with is that the emergency services, as in particularly ambulance services, are going to be able to deal with the camber which is in the

road because it is not only about broadening the road but it is also the structure of the road. Can I say, I am not totally convinced yet and I would like the Minister to respond to that.

Deputy T. Binet:

Discussions are ongoing with the Traffic Department, with the Parish Roads Committee and of course the ambulance service. This is something we have to take exceptionally seriously and all I can say is so far the discussions are going well and there is certainly more to come, but I think it is a problem that we can overcome.

7.1.6 Deputy L.J. Farnham:

I was going to give the Minister a break today but he mentioned something that sparked me into action. He mentioned that there was a dictatorial nature to the previous attempts to deliver the new hospital. Can I ask the Minister when he intends to come to this Assembly to seek the relevant permissions to proceed with the plan, reminding him that the previous Our Hospital project came and sought I think no fewer than 4, possibly 5, States Assembly votes as we went through the process?

Deputy T. Binet:

There is a point I would like to clear up before coming to the main point and that is: the comment I made about the slightly dictatorial approach did not relate to Deputy Farnham. It did relate to some of the people that were involved in the process and those comments are not mine. They were comments that were made on a number of occasions to me in the many evening consultations that I attended. I have tried to be so comprehensive with that response that I have forgotten what the original question was, so if the Deputy could just remind me.

The Deputy Bailiff:

Whether you will come back to the Assembly. Do you want to answer ...

Deputy T. Binet:

Yes, I am with you. Yes, I envisage having to do exactly the same as Deputy Farnham did and come back to the Assembly on a number of occasions and that the next occasion will be shortly prior to the Government Plan submission towards the end of the ... and I believe I have made reference to that in my speech.

7.1.7 Deputy R.J. Ward:

There are a number of things that come from the statement. The first one I would ask is in terms of coming to the Assembly, this notion of the Assembly knowing costs. At what point will the Minister bring costs to the Assembly or will we be expected to agree a project without knowing the overall cost as an Assembly?

Deputy T. Binet:

I think it might be difficult to know the overall cost of the entire project over a 10-year period, that is why we are looking to break it down into individual sections, the largest of which will have to be the acute section. But the question surprises me somewhat insofar as that I have started to have discussions with various Members of this Assembly about the difficulties regarding transparency, not least of which was a meeting last week with Reform where we had, I thought, a very constructive discussion about these difficulties. I expressed a desire to be as open as I can and as constructive as I can and take other people's comments on the matter on board.

7.1.8 Deputy R.J. Ward:

I am trying to find out what the answer was. Can I just add to that then, part of the issue is that if we are going to fund this in stages and we are going to guarantee that we can pay for each stage, as the costs mount, other Assemblies may make the decision that we have spent enough. So can I get a

guarantee from the Minister that some projects, such as the site out at St. Saviour, will not be put out to private funding and private enterprise and effectively outsourced to build Our Hospital for certain services like step-down services that could easily be taken on by private companies providing that sort of service?

Deputy T. Binet:

You have to accept my apologies, I am slightly confused by the question. I am not quite sure whether the Deputy is confusing the business of construction with the business of running the health service. In terms of ...

The Deputy Bailiff:

Deputy, do you want to repeat your question then? Is that easier?

Deputy R.J. Ward:

Yes, I will differentiate. What I am asking is, we are going to have to fund the construction of a new hospital in stages. Over a long time, this Assembly will change and so if those costs mount and they are produced to us one at a time, there may be a stage when those costs become too much. So therefore can the Minister rule out that some of these facilities may be funded privately and effectively outsource the construction to private enterprise who then effectively have the running of Our Hospital facilities such as step-down care and the St. Saviour's part of the hospital which is rife with that sort of public/private partnership that happened in the U.K.?

Deputy T. Binet:

I thank the Deputy for clarifying that situation; that makes a lot more sense to me. I think what is being suggested here is a combined construction and management plan with the private sector. I am probably only going to be in politics for a limited amount of time and I am afraid I cannot absolutely guarantee what happens when I am not here. This is a 10-year programme and I think the latter stages of this programme will have to be decided by the Assembly of the day, as everything always is. So, as far as I am concerned, there is no plan to do that at the moment, certainly not that I am aware of, but if subsequent Assemblies choose to go down that road, it is not something that I can have any influence over.

7.1.9 Deputy L.J. Farnham:

It was just to ask the Minister if it is accurate that the solution that is being presented by the Government, the multi-site solution, will not be complete until its 10 years is up, when all are completed? Because without them being completed, the health solution that they are wanting to deliver cannot be delivered, so basically the sum of the whole is finishing everything before we have the solution we need. On those grounds, first of all, is that correct, or is it going to continue to be a revolving project for decades to come? If that is the case, if it is going to be completed in 10 or 12 years, does the Minister accept that at some stage to get Assembly approval he is going to need to come back with an overall cost of the completed project? Because we are going to need to know that to support the project so it can be completed and deliver what they are hoping to deliver.

Deputy T. Binet:

Well I envisage being able to produce an overall cost estimate at this point in time which will, with each passing stage, be able to become more accurate about the forthcoming stage. I think that has to be accepted as the norm over a 10-year period. I genuinely do not think I can say very much more than I have said up to this point.

7.1.10 Deputy C.D. Curtis:

Are there any plans to assist those people who need to make use of A. and E. at night who may not have the means to get up to Overdale?

Deputy T. Binet:

It is a very fair question. I have to say that the whole business of A. and E. remains under review. There are no hard and fast decisions taken as yet. What we want to do is provide something that is cost-effective but convenient to the public, so the A. and E. side of things is still something that we are looking at.

7.1.11 Deputy R.J. Ward:

Can I ask the Minister whether he has considered, given the fact that I believe this Assembly has the right to know how much things will cost and because we have a Government that seems to want to pride itself on transparency, whether he has considered an in-camera debate where figures can be given to States Members, they are not going public, and so we can make informed decisions over the long-term costs of such projects without being told that we cannot know numbers?

Deputy T. Binet:

I stand to be corrected but I do not think I have ever said to anybody that you cannot know numbers; I have said I am wanting to be as open as I can. I think the suggestion of an in-camera debate may well be a sensible one and I am sure that is something that we will look at. I did say in my speech that I was looking to investigate all ways of doing this and I wanted to do what we intend to do with the blessing of the Assembly.

Deputy R.J. Ward:

So is that a yes, can I just ask, to an in-camera debate?

Deputy T. Binet:

I will repeat what I said, I think it is a suggestion that we are certainly going to take into consideration.

Deputy R.J. Ward:

I will take it as a maybe.

The Deputy Bailiff:

He will think about it, yes. Any more questions for the Minister in relation to his statement? If there are no further questions then we will move on to the Order Paper.

PUBLIC BUSINESS

8. Draft Taxation (Exchange of Information - Amendment) (Jersey) Regulations 202-(P.28/2023)

The Deputy Bailiff:

The first item on the Order Paper of Public Business is the Draft Taxation (Exchange of Information - Amendment) (Jersey) Regulations lodged by the Minister for External Relations. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel and I invite the Greffier to read the citation.

[14:45]

The Deputy Greffier of the States:

Draft Taxation (Exchange of Information - Amendment) (Jersey) Regulations 202-. The States make these Regulations under Article 2 of the Taxation (Implementation) (Jersey) Law 2004.

8.1 Deputy I.J. Gorst (Assistant Minister for External Relations - rapporteur):

These draft regulations seek to clarify in Jersey law the concept of foreseeable relevance which is part of the O.E.C.D.'s (Organisation for Economic Co-operation and Development) international standard for exchanging information on request under the various tax treaties to which we are signatory. We have won an international reputation as a transparent and co-operative tax jurisdiction partly through our implementation of a number of international tax treaties and tax information exchange agreements relating to the exchange of information held by Jersey's financial institutions and public bodies. These treaty obligations have required our tax administration, Revenue Jersey, to grow their capacity over the last decade to gather information of tens of thousands of entities in Jersey and to share the relevant parts of that bulk information with currently around 100 jurisdictions on a bilateral and confidential basis. As part of this system of international exchange, Jersey also receives individual requests from treaty partners for information about individuals or companies who are under scrutiny and may be subject to taxation in those third countries. The effective prompt flow of information is essential to maintain Jersey's compliant rating in various international peer reviews. It is the one single-most important thing we do to protect our finance industry and the employment of so many of our Islanders. Were we to fail to secure compliant ratings in future, we would run the risk of so-called blacklisting by partner jurisdictions, which could have damaging consequences for those who rely on the health and prosperity of our international finance centres. Members will have read from the report the process, I hope, of how that information is supplied. Due to a recent ruling it has become necessary to make these clarifications which will ensure that our legislation meets the meaning in the international standard for foreseeable relevance in these 3 sets of domestic Regulations, that is: Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008; Taxation (Double Taxation) (Jersey) Regulations 2010; Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Jersey) Regulations 2014. Just for the avoidance of clarity, I did not sign all of those, only a couple. What these changes do will mean that we are certain that our law meets the international requirement when it comes to foreseeable relevance. I want to pay tribute and thank the work of the Scrutiny Panel. I said earlier that I know that my Minister looked forward to continuing to work with them. This is another case where he and his officials have worked very productively with the Scrutiny Panel. I hope that Members will find the comments that the Scrutiny Panel produced informative and helpful in making their decision today, so I thank that panel for their work in this regard as well.

The Deputy Bailiff:

Thank you, Deputy Gorst. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

8.1.1 Deputy P.M. Bailhache of St. Clement:

What slightly troubles me in terms of our relationship with international standards is that we have, to a certain extent, a tiger by the tail. Our compliant rating is obviously of fundamental importance, as the Minister has said, to the well-being of the Island but what is the international standard? Large countries can get away with challenging current thinking in relation to international standards but smaller countries like Jersey cannot, it is simply too dangerous. As the Minister has said, we can be threatened with blacklists, we can be threatened with all kinds of inhibitions if we deviate in the slightest. My concern in relation to this amendment is quite straightforward and it is that we are telling the Royal Court to have regard to the guidance in the form of the commentary to the Model Tax Convention. I think, but perhaps the Minister will correct me if I am wrong, that the commentary is not part of the international standard. It is what some civil servants in the O.E.C.D. would like to think that the international standard should be. The commentary changes from time to time but if the court is obliged to have regard to the commentary, that may be unfortunate for an individual who finds himself on the wrong side of a tax authority for reasons that are inadequate. For example, a taxpayer who is not in fact a tax resident of the country in question may find that he is treated as if

he were a tax resident and his private tax affairs will be disclosed. For the reasons which the Minister has given, I am not going to oppose this Bill. It is unopposable for the reasons that he has given but I will only express the hope that the courts will have regard to the commentary, indeed as mandated to do, but will reject the commentary in an individual case if they think it is right to do so.

8.1.2 Deputy M.R. Scott:

Yes, I just wanted to say as chair of the Economic and International Affairs Scrutiny Panel that I have very much taken on board the comments made by Deputy Bailhache, who I would have welcomed as a member of the panel in terms of reviewing this particular piece of work. But as a solicitor of the Royal Court myself I was very mindful of this, what would appear to be a challenge of a position taken by the Royal Court. The panel did take much care in terms of seeking the opinions of the Law Society of Jersey and has not had any comeback from there but, as the Deputy says, it is a position that we really have not found opposable.

The Deputy Bailiff:

Does any other Member wish to speak on the principles? I call upon the Assistant Minister to reply. Deputy Gorst.

8.1.3 Deputy I.J. Gorst:

In my mind, in this case the decision of the Royal Court shows our systems, and mindful you are sitting in the Chair, Sir, so I will be careful how I say it, working in the way that they should but what may not find your favour is, I believe in democracy. I believe that when members of the public elect Members of this Assembly in a democracy, in a western democracy in the way that we have it, the public have a right through that democratic process to decide on the laws of the land, in our case, decide on the laws of the Island of Jersey. Islanders, in this case residents of countries elsewhere, may wish to challenge the law that is agreed in this Assembly and they do that through our institutions, and in this case that was done through the Royal Court. It is absolutely right for a democratic legislature to amend the law of the Island in light of those judgments or in light of opinions of international bodies elsewhere, so I see that this process shows that our institutions are alive and well and I, for one, would have it no other way. I think the point, however, that Deputy Bailhache raises is an excellent point about the clinging on to the tail of the tiger. To some extent, being a non-sovereign state that is or could be used as a description but he knows, and I can confirm, that the best way for Jersey to influence international standards is not as it were through a full-frontal public attack but through quiet diplomacy seeking to be appointed to relevant international bodies, sending people on secondment. There is a very more-than-competent official in my department now who sits on the steering group of the O.E.C.D. delivering the Pillar One and Pillar Two work. That is the way that we can best inform international standards because we can do it in a way which is evidence-based, which is persuasive, which work helps those bodies think about the unintended consequences, help those bodies think about the policy intentions of those standards. He is right, once those standards are set and they become public, our ability as a non-sovereign small state to influence them are limited because it goes very much into the political debate. I accept that we must not stop seeking to influence international standards but we must do it and ensure that we have the right people doing it in the right way at the right time, and I believe that we do. I also accept his message to the Royal Court around the rules and the codes of practice because we know the way that international standards are often set is, you have the standard which is agreed and then, as he says, O.E.C.D. officials go away and give effect to perhaps more detailed implementation processes and policies. It is absolutely right that we amend our legislation in the way that we are doing so today but still we have a system which does not seek to fetter the judgments of the Royal Court in the way that some other Legislative Assemblies do but that you, rightly, when you sit in the other place, have regard to all relevant facts. I thank again the chair of the Scrutiny Panel. I was not sure whether

Deputy Bailhache heard that kind invitation to join her panel but I will just amplify it again in case he did not. I thank them for their work and I maintain the principles and call for the appel.

The Deputy Bailiff:

The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had the chance to cast their votes then I ask the Greffier to close the voting. I can announce the principles have been adopted unanimously: 42 votes pour.

| POUR: 42 | | CONTRE: 0 | | ABSTAIN: 0 |
|----------------------------|--|------------------|--|-------------------|
| Connétable of St. Lawrence | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of Trinity | | | | |
| Connétable of St. Peter | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Connétable of St. Clement | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy G.P. Southern | | | | |
| Deputy C.F. Labey | | | | |
| Deputy M. Tadier | | | | |
| Deputy S.G. Luce | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B.de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |

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| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy M.R. Ferey | | | | |
| Deputy A.F. Curtis | | | | |
| Deputy B. Ward | | | | |
| Deputy K.M. Wilson | | | | |
| Deputy M.B. Andrews | | | | |

[15:00]

Now, Deputy Scott, obviously we have seen your comments, but I still need to ask you if your panel wish to scrutinise this matter.

Deputy M.R. Scott (Chair, Economic and International Affairs Scrutiny Panel):

No, we already have. Thank you.

The Deputy Bailiff:

Thank you very much. Deputy Gorst, how do you propose the regulations in Second Reading? There are 4.

8.2 Deputy I.J. Gorst:

If I may propose them *en bloc*. The amendments are across those 3 sets of regulations and they are as just described.

The Deputy Bailiff:

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on the regulations? Accordingly, perhaps on a standing vote, those Members in favour of adopting the regulations, kindly show. Thank you very much. The regulations have been adopted in Second Reading. Deputy Gorst, do you wish to propose the matter in Third Reading?

Deputy I.J. Gorst:

If I may, thank you.

The Deputy Bailiff:

Are the regulations seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the regulations in Third Reading? Can I invite those Members who are in favour of adopting the regulations in Third Reading to kindly show? Thank you very much. The regulations are adopted in Third Reading.

9. Draft Income Tax (High Value Residents - Amendment) (Jersey) Law 202- (P.29/2023)

The Deputy Bailiff:

We now move on to the next item of business, the Draft Income Tax (High Value Residents - Amendment) (Jersey) Law lodged by the Minister for Treasury and Resources. The main respondent is the chair of the Corporate Services Scrutiny Panel and I invite the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Income Tax (High Value Residents - Amendment) (Jersey) Law 202-. A law to amend Article 135A of the Income Tax (Jersey) Law 1961 and the Income Tax (Prescribed Limit and Rate) (Jersey) Regulations 2013. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

9.1 Deputy I.J. Gorst (The Minister for Treasury and Resources):

Members will know how seriously I take the good order of our public finances, some probably think too much so. Jersey's sound reputation for stability depends on us being able to present balanced budgets. Equally, we need to support and invest in our public services, a requirement that sadly is not lessening as the years progress. We need to achieve this while retaining a competitive fiscal environment and ensuring Islanders keep as much of their own money as possible. The world of course does not owe us a living. It is up to us to take the decisions to control and focus our expenditure, keep taxes as low as possible and promote a fiscal environment that supports investment, growth and good living standards. This sometimes requires bold decisions at the right time and ongoing prudence in order to maintain stability. Every Finance Minister knows this and I am pleased to say that, while we are not perfect, Jersey has been well served in these respects over the years. I believe a crucial part of our success has been a positive attitude to success and to wealth creators. There are many communities who share this attitude and compete with us to attract successful people to their shores. Equally, of course, there are communities who are hostile to entrepreneurship and wealth and eventually they suffer the consequences, I believe, of that caution. There is of course nothing better than growing our own success, something which the Minister for Economic Development, Tourism, Sport and Culture is absolutely focused on, which over the years we have done but equally we have recognised that we need to welcome people to support our growth. This is a key part of creating and nurturing an environment that is supportive to jobs and business. Our fiscal and economic environment crucially also needs to be one that is accepted by the public and that works, and is seen to work in the overall interests of the community, and that is the catalyst behind the changes to what is known as the 2(1)(e) regime. That regime contributes £21 million per year in tax revenues for considerable increase compared to before when we had a statutory regime. With these new proposals I am pleased to say that over time this tax take will increase again considerably, and that is providing additional revenues to be spent on services that the public want. Our proposals to increase the minimum tax requirements for new applicants to £250,000 per year is a 50 per cent increase of course on the current minimum requirement of £170,000 per year. Some have said that is a bold decision but it is one that remains within the principles of the existing version of the scheme ensuring a managed and seamless move to the new version. Importantly, it maintains the position that is competitive overall while raising more revenue, and that of course is good tax policy. It will maintain confidence in Jersey as a jurisdiction that is open for business and investment. It will not send a message that we make policy on the hoof or without evidence. This decision was reached by the Housing and Work Advisory Group and the Council of Ministers considering the available evidence, including taxes in other jurisdictions, application trends and property purchases. I am pleased to support it and present it today for approval.

The Deputy Bailiff:

Thank you, Minister. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

9.1.1 Deputy S.Y. Mézec:

Of course this proposition has to be supported. I will certainly be voting in favour of it and see no practical reason why not to do so, although I guess I slightly do so with a degree of resentment because, though it is a small step in the right direction, it does ultimately maintain the unfairness and discrimination upon which the foundations of this entire scheme are set and it does so having purported to be on the basis of a review and evidence when in reality it really is not. My Scrutiny Panel received several briefings on this, for which we were grateful for. We have looked at it and we produced comments and the short conclusion from them is, though we cast no verdict on whether or not to support the proposition, we do question the real value of the so-called review that took place in the lead-up to this which was, perhaps to be slightly flippant, essentially a consultation with people who hold vested interests in the scheme. It was a consultation involving professional advisers, estate agents and recent 2(1)(e) applications. It was not by any stretch a review of the wider impact the scheme may or may not have on our society socially and economically. It did not consider some of the wider impacts that some are concerned about when it comes to the ability of high-net-worth people to come to the Island and take up disproportionate amounts of resources and services in the market which could, if there were ever a real economic analysis of the scheme, potentially be to the detriment of other parts of our economy. Though Ministers are often quick to stand up and extol the virtues of this scheme, they do not and have not yet been able to point out any kind of tangible evidence based upon which to build that support for all of that. The review as an exercise that led to this proposition was far too brief, far too narrow and leaves as many questions unanswered as it attempts to answer. So, I stand up to of course support the proposition, it will lead to more tax revenue being raised from these people in future, when to not support this proposition would not see that delivered, but to have it on record that the basis upon which the change is proposed is about as flimsy as they come. It really does our Island no service, in my view, to purport to have conducted these kind of reviews which are based on what the Minister may believe is the received wisdom of the scheme: "Oh, it is wonderful, how could it possibly be anything else?" when in reality there is no tangible evidence basis upon which to say that. There are greater concerns held out there in our community, not just by those of a particular political persuasion, but in my experience, speaking to people across our community, a view held much more widely and among people who politically are not aligned, at least to me anyway, and to have greater involvement in those elements - the charity sector in particular I am thinking of - when I have spoken to people out there in our community. So let that be on record that there are a great many questions unanswered about this scheme and we are doing our Island a disservice by not being open and honest about it and having a proper review on it rather than the one that led to this proposition, although perhaps in the next few days we may have an opportunity to rectify that.

9.1.2 Connétable D. Johnson of St. Mary:

As I may have mentioned in the Assembly before, I worked in an area where we were very much involved in the repatriation to Jersey of what were then called 1(1)(k)s who, certainly at that stage, and going back some 40 years, I do not think in those days were perhaps a more senior age than they are currently. They had retired, they wished to base themselves here in their retirement, they expected to pay the full 20 per cent on all their income and wished to make a contribution to society. I fear that over the years some divisiveness has crept into the equation in the sense that, apart from the 1 per cent rate, we do have now incomers who make further money by investing in real estate, converting them and selling at great profit. I am sure the Minister will respond by saying that they are doing no more than any other resident can do and to not let them do that would be discriminatory. But the counter to that of course is that the rest of the Island is being discriminated against in the first

place by having to pay 1 per cent, if you are lucky enough to have certain earnings, et cetera. I do think that if we are going to attract or going to allow these people to come in, then there should be some barrier if possible to their using precious land on our Island for them to make more money for their own sake and that they should be prevented from buying other than their own principal dwelling house. One other aspect is that there is a list of items here which have been taken into consideration when conducting this review and there is not, apart from that aspect I have just mentioned, there is no reference there to the frequency with which new residents might reside here. We hear stories of people buying a property here and using it as a holiday home. That is a misuse of our precious resource and again I would suggest that that needs to be looked into and it should not be beyond our wit to produce some formula whereby those who come in will have to pay additional tax if they do not spend a certain time in the Island. Part of their value to the Island is their being here, they are being an essential part of the community. If they are going to use it as an alternative bolt hole to some other place, that is not for our society's good, so I ask the Minister if in future, if not now, in any future considerations those items will be taken into account.

9.1.3 Deputy M.R. Scott:

I just wanted to add my voice to the Constable of St. Mary that I believe that much of the discontent that has come with respect to the wealthy immigrants has been in an environment where there have been difficulties with housing and a lot of visibility in terms of development of properties by 1(1)(k)s, particularly as I have experience of in St. Brelade's Bay. Two things I noticed about the report of the Corporate Services Scrutiny Panel, I do not think it has particularly answered, and the Minister too, the extent to which nearly every country does have some sort of system of bringing in wealthy residents as a way of supporting economy. I do not know that there are any exceptions to that and so there needs to be consideration of that as an economic tool, as it were.

[15:15]

But also there was mention ... and I thought it started going down quite an interesting route in terms of the way in which when you have wealthy residents over the number of people they may be bringing in that could potentially compete in the housing market. That does seem something that I have questioned before, and it is probably a planning issue or a housing issue, it is the use of guest properties on the States which could potentially be perhaps housing relatives from other countries who are just coming on board, if you like, and there has not really been much thought to regulation there. I cannot really comment on how you pitch your hook at the end of the day in terms of where you are going to put your limits but I will support this proposition.

The Deputy Bailiff:

Thank you, Deputy. Does any other Member wish to speak on the principles? If not, I call upon the Minister to reply.

9.1.4 Deputy I.J. Gorst:

I thank the chair of the Scrutiny Panel. I am not sure that I expected him to be supporting this but I am grateful to him for recognising this is an improvement and an enhancement even though he fundamentally disagrees probably with the system as it stands. One of my Constables raised 2 rather good points: the first one, it does fall, I think, within the remit of the Housing and Work Advisory Group and I am sure that they heard the comments that he made about property development and the likes which he was driving at there. So I am sure they have heard that, they will take that away for further consideration. His second point is more of a conundrum, and I think he probably knows it is more of a conundrum, but it is a point worth raising and reconsidering, and that is the number of days that one has to reside in Jersey to be considered to be tax-resident and, as he knows, that is currently one. As Members look up from their post-lunch considerations, the reason it is one is that you cannot avoid the liability. In other jurisdictions they extend that to a greater number of days. What that does

mean then is you do have some who can avoid that liability, but he raises a good point, it is something that we started work on. I will return to my officials and see if they have found any workable answers to those conundrums but they are not necessarily straightforward to deal with, but again I hear what he has said in that regard. I turn to the chair of my other Scrutiny Panel and I must confess that I have just forgotten what question it was that she was raising.

Deputy M.R. Scott:

May I speak, Sir?

The Deputy Bailiff:

Yes, you can remind the Minister.

Deputy M.R. Scott:

It was just to say, I was making a point about the potential abuse of guest accommodation on the States which may be a matter for the Minister for the Environment to address.

Deputy I.J. Gorst:

Indeed, I think that is correct, that should come with planning obligation. Again, I know the Minister has heard the comment that the Deputy has made. So for all the reasons that I said as I proposed the principles, I maintain the principles. I hope that Members support this amendment and I call for the appel.

The Deputy Bailiff:

The appel has been called for.

Deputy R.J. Ward:

It was a point of clarification of something the Minister had said. He said you had to be resident for one day but in, I think it is Written Question 302 that was asked by Deputy Feltham that I read, it states that there is no residential requirement in the answer to the question. Now those 2 things are not, I think the word is congruent, so just for the future it would be interesting to see whether that question needs to be re-answered so there is some clarity.

The Deputy Bailiff:

Do you wish to respond to this question, Deputy?

Deputy R.J. Ward:

I will say I do not expect the Minister to have the question 302 answer in his head straight away, although knowing Deputy Gorst, he may well.

Deputy I.J. Gorst:

I think on this occasion it is better if I take more formal advice. My understanding is that the equivalent of one day is ... it sounds very strange, but my understanding is that one day is the equivalent of having to be resident but I will go and confirm to the Deputy more formally.

The Deputy Bailiff:

Thank you. The appel has been called for. I invite Members to return to their seats. I ask the Greffier to open the voting. Is voting open? We have had a technical issue so we are going to stop and start again. I will let you know when we can start again. I invite the Greffier to open the voting. Members may now cast their votes. That did not work either; we will have another go. Perhaps while we wait, Deputy Gorst, you can assist me on something, if you will, Minister. In the event of the principles being adopted, I do not want to prejudge that, but if they are adopted, under Article 72, Standing Order 72(10), this matter needs to be referred to Scrutiny if it is a taxation draft that would implement

any part of a Government Plan. It is plainly a taxation draft but is it in your view a matter that would implement any part of a Government Plan? Can you respond to that? It is a question that arises under Standing Orders. If it is, that a taxation draft will implement a part of a Government Plan, then it is not referred to Scrutiny. If it is not, then it is referred to Scrutiny. So this is plainly a taxation draft but is it a matter that is proposed to implement any part of a Government Plan or not? If you are uncertain about it then I will ...

Deputy I.J. Gorst:

I am going to, just while I think, defer to the Attorney General if you are asking [Laughter] ... the reason I do that is that it is an amendment to the Income Tax Law and I think that amendments to the Income Tax Law are treated differently under Standing Orders probably because they arise out of a Government Plan, as you are indicating. The slight hesitation I have is that this money that will be raised was not part of a head of expenditure or income in the Government Plan even though the review and the expectation of implementation of the outcome of that review was in the Government Plan. So I will just, from a legal perspective, wonder whether the Attorney General might help us.

The Deputy Bailiff:

You can have a think about that while we move to the appel. Are we now ready for the appel? Yes, I invite the Greffier to open the voting. If all Members have had the chance to cast their votes I ask the Greffier to close the voting, and the principles have been adopted: 41 votes pour and one vote contre.

| POUR: 41 | | CONTRE: 1 | | ABSTAIN: 0 |
|----------------------------|--|-----------------------|--|-------------------|
| Connétable of St. Lawrence | | Connétable of Trinity | | |
| Connétable of St. Brelade | | | | |
| Connétable of St. Peter | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Connétable of St. Clement | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy G.P. Southern | | | | |
| Deputy C.F. Labey | | | | |
| Deputy S.G. Luce | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |

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|----------------------------|--|--|--|--|
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B.de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy T.J.A. Binet | | | | |
| Deputy M.R. Ferey | | | | |
| Deputy A.F. Curtis | | | | |
| Deputy B. Ward | | | | |
| Deputy K.M. Wilson | | | | |
| Deputy M.B. Andrews | | | | |

The Deputy Greffier of the States:

The Connétable of Trinity voted contre.

The Deputy Bailiff:

Prior to proposing the Articles we need to determine whether or not this matter should be referred to Deputy Mézec’s panel for scrutiny, if they wish to scrutinise it, and that depends upon Standing Order 72(10) and whether or not this is a taxation draft that would implement any part of a Government Plan. Mr. Attorney, the Minister ventilated a question before the vote.

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

Under Article 11 of the Public Finances Law that sets out that if a lodged Government Plan proposes imposing or varying a tax for the next financial year the Minister must lodge draft legislation containing a taxation draft. I believe, Sir, that you referred to the provision in Standing Orders that if it is not part of a Government Plan then it must be referred to Scrutiny, and that was how I heard your summary.

The Deputy Bailiff:

Yes, if it is a taxation draft that would implement any part of a Government Plan then it is not referred to Scrutiny. If it is simply a taxation draft that does not implement part of a Government Plan then it is referred to Scrutiny.

The Attorney General:

Applying the wording in Article 11 it seems to me to be a question of whether the current Government Plan or a previous Government Plan referred to an amendment of this legislation, and I am afraid that seems to me to be a factual question as to whether or not this was contained in a Government Plan. I am afraid I do not know the answer to that.

Deputy I.J. Gorst:

Only that a lot rides on how it was contained in the Government Plan because if you recall I amended this legislation, the 2(1)(e) regime to revalorise the minimum tax payable and at that time it was referenced in the Government Plan that this review would be undertaken and changes would be implemented during the course of the year. I do not have the exact wording in the Government Plan but definitely it was referred to. It depends what your view is on that.

The Deputy Bailiff:

Yes, well I think I need to err on the side of caution and, Deputy Mézec, I am going to ask you - and I know you have already given comments - but does your panel wish to scrutinise this matter?

Deputy S.Y. Mézec (Chair, Corporate Services Scrutiny Panel):

No, on the basis that we have already looked at it and produced comments. We would not really be gaining much else at this point if we were to re-review it.

The Deputy Bailiff:

Yes, thank you very much. Minister, how do you propose the Articles in Second Reading.

9.2 Deputy I.J. Gorst:

En bloc if I may, thank you.

The Deputy Bailiff:

Thank you. Are the Articles seconded? **[Seconded]** Does any Member wish to speak on the Articles. Accordingly those in favour of adopting the Articles can you please kindly show? Thank you very much. The Articles are adopted in Second Reading. Minister, do you propose the matter in Third Reading?

9.3 Deputy I.J. Gorst:

Indeed I do, if I may, thank you.

The Deputy Bailiff:

Are the Articles seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles in Third Reading?

9.3.1 Deputy R.J. Ward:

Perhaps I should have spoken in the principles but the Constable of St. Mary made the points I was going to make regards the purchasing of property on the Island and so on. But there is another point to be made here. I can only support this, but it is a tiny change to the taxes to add in a small amount and I think the system itself is fundamentally flawed and inequitable. For that reason I would question the children's rights and impact assessments being correct that it has no impact on children's rights as set out in the Convention on Rights of the Child. If there is a group who are paying significantly less tax on the Island proportionally then that income could be something to be said that could be used to improve children's lives. I think we need to be very careful before we look at it that way. So I think this system is one that we should generally review much more widely. The changes made in these regulations are simply tinkering with the system, which I think is fundamentally

inequitable. So the regulations themselves which tinker with what we are doing and take a little bit more tax off those who are particularly wealthy.

[15:30]

One of the questions I would ask the Minister to answer at the end - and I am assuming that this is not retrospective, this is for new applicants, and so we have a significant number of applicants and it is quite a ... I do not know if this is parliamentary but it is quite a dark art knowing who is on what tax system on this Island when it comes to 1(1)(k) status. I think we all need to recognise that these regulations do not address those who already on the Island on different tax rates which are significantly less and significantly different. Another reason why I would question the child rights and impact assessment being correct. If we are going to use those they need to be thought through carefully and they need to be addressed carefully and not making token gestures towards something that could enrich the quality of our regulations, and I do not think it has this time. With that said, I support this with ... well, certain Members near to me held their nose as they pressed the button but I will not do that. But I think we need to recognise this is a very small change and is not retrospective, unless the Minister wants to correct me on that - then that would be great - but I believe it is not. So there will be significant numbers of people here already paying very small amounts proportionally in tax and I do not think that is right for this Island.

9.3.2 Deputy K.F. Morel:

I am delighted that the Assembly is supporting, so far, this change to the tax system. But I must admit that when I heard Deputy Ward talking about it is not correct on the child rights assessment at the end of the proposition I thought, no, Deputy Ward is wrong here. Because the whole point of this scheme is to attract investment to the Island. That is what it is for. So the safe assumption is that if you did not have the scheme the people who move here to the Island will not have brought themselves to this Island, they would not be paying tax in the Island. So do children suffer as a result of that difference in tax rates? I would suggest they gain because they gain in this case if we had 10 residents under the scheme next year - which we have got every reason to believe we will have - that would be £2.5 million of tax income to the Island minimum. That is the lens you have to look at this through. It is not a case of: "Well, people would pay the full tax rate." The whole idea of this is it is to promote Jersey as a place for people to come and invest. It is to say: "We will give you this tax break for the first 10 years, after that you can move on to the full tax regime." To suggest that this is something which is anything other than designed to attract people to the Island is incorrect, so you can safely assume if we did not have this scheme these people would not have moved to the Island. I think that is partly correct, while also acknowledging that people move here for other reasons as well as the tax rate. Deputy Scott said it in her own speech that she does not know of a jurisdiction in the world - there may be one but Deputy Scott does not know of one and neither do I - which does not have this type of tax scheme designed to attract people to their jurisdiction because they are people who bring wealth and can bring that wealth to this Island where it is used both in terms of tax but also investment in the economy. We do know that people spend millions of pounds in the economy; people on this scheme do exactly that. They also start businesses, they also employ people in this Island, and one of the things that this Government has been really clear about is that we see this scheme as something that we want to attract as much value from as possible. So this is not tinkering around the edges, as Deputy Ward may say. We have just agreed to put up that minimum tax rate by almost 50 per cent on what it was previously. If someone came to any of the Members of this Assembly and said: "We are putting up your tax by 50 per cent" I doubt any of us would call it tinkering around the edges. Let us look at what it is. This Government came in and said: "We will get more value from high-value residents because we believe Jersey is an amazing place to live and be." We still stand by that. In Guernsey high-value residents can move to Guernsey and pay £50,000 a year. In Jersey that is £250,000 a year; 5 times the sum that they have to pay in Guernsey. That is significantly more. Why do we feel that we can go to 5 times greater than Guernsey? Because we know that Jersey has so

much to offer. It has a vibrant society, it has a close community, it has beautiful countryside and stunning beaches, it has a safe and secure environment for people to bring their families up in, it has a wonderful education system; it is worth being here. So I really reject this idea that somehow this inequity, as Deputy Ward calls it, is in any way unexpected. This scheme is designed to attract people to Jersey, it has done that consistently for the past 20 years and it will do so now but people will be paying even more, exactly as the Chief Minister has said many, many times. It is what she wants to see happen; people paying more to be in Jersey at this level. That is what we are delivering. As a result Deputy Gorst as Minister for Treasury and Resources will have more tax funds in the Exchequer to deploy into public services in this Island, to pay teachers, to refurbish schools. That is what this does so I am delighted that people are supporting it in the Assembly today, but I am really disappointed that people are trying to go to these strange arguments that suggest somehow this is anything other than doing what it is designed to do.

The Deputy Bailiff:

Thank you, Deputy. I do remind Members that we are now in Third Reading and accordingly debate should be confined to the content of the draft as adopted in Second Reading.

9.3.3 Deputy G.P. Southern:

I was about to start by saying I have a little reticence to start in the Third Reading. But it was interesting, fascinating nay, to hear the speaker behind me, the Deputy, start talking about the fundamentals of tax and spend. We need as a society certain facilities, certain services, which we fund by taxation. That is the basics of our economy. To have the Minister behind me saying somehow this is special money because it comes from the very rich, but we are going to spend it on delivering services, well, so we should. So we should, as we should be doing with every penny of the taxation that we spend. It must be very efficiently delivered into services that we need, and that is how the system works. So when we come to debate the Government Plan in the Budget in future days then I shall look forward to hearing a resounding repetition of how we work as a society and why taxation is necessary and why we need services, and I fully expect that from every Minister around this Chamber.

9.3.4 Deputy S.Y. Mézec:

It is to be very brief, following on from the Minister for Economic Development, Tourism, Sport and Culture's speech because he did make those claims multiple times about the amount that these people spend in the local economy and the amount of people they employ, and I simply wish to highlight that this is one of the claims I referred to in my earlier speech as one that is made without substantiation. Unfortunately that is what this debate is full of; it is people making claims without any evidence upon which to back it, and how dare you disagree with their received wisdom, how bad of you for doing that, they are not in Jersey's interests. I think that is a bad way of doing politics on this. It should be about the evidence, and maybe we will get there one day but apparently not today.

9.3.5 Deputy M.B. Andrews:

Like Deputy Mézec, I support this proposition but I think there needs to be a clear message that is articulated in future because we always have this contested debate about what do high-net-worth individuals bring to Jersey, and there is never empirical evidence to reinforce that argument. We have seen consecutive Council of Ministers argue the case for high-net-worth individuals coming to the Island, but when it comes down to explicitly explaining the benefits, that is where politicians have struggled in the past. When I am looking at this proposition before us today what we are seeing is an acceptance that other jurisdictions levy lower tax rates, Jersey itself is now increasing the tax rate up to £250,000, so are people potentially going to be disincentivised, that is one question, and I hope the Council of Ministers have had a robust discussion about this. But when I have asked a few questions in the past and when I have been asking questions about personal income tax contribution,

high-net-worth individuals tend to contribute between 4 to 4.7 per cent of personal income tax, so that is a fairly substantial amount. I think for 2021 it was about £24 million. But when we are looking at the 1 per cent it was under £500,000 and that is aggregate across all of the high-net-worth individuals who are contributing tax. I think that figure is far too diminutive when we really take it into context. The second thing was about the property prices. So for homes that high-net-worth individuals are going to purchase going forward it will be £3.5 million. That is a fairly substantial increase compared to the previous figure of £1.75 million and I do not know where the evidence is to come up with that figure. I know there has been mention about not having any interference with our domestic housing market and the impact that could have, say, with households who are looking to move upwards on the market. So I would just like to maybe have some clarity perhaps about that maybe moving forward. That is all I have got to say. Thank you for permitting me the time to speak.

The Deputy Bailiff:

Thank you, Deputy. If no other Member wishes to speak on the Third Reading I invite the Minister to reply.

9.3.6 Deputy I.J. Gorst:

It seems to me that in the Third Reading of this, where I am grateful for broad acceptance, a number of Members have taken the opportunity - which we will get to later in this sitting - which could either be considered helpful in that we have a flavour of their arguments or unhelpful in that they are going to repeat them. There was a good piece of work undertaken by the Housing and Work Advisory Group. They did look at market evidence - to come back to Deputy Andrews' point - about the housing market and where to set that threshold and they have taken a balanced approach to that, and I am grateful for them. I would just pick up the point about the children's right impact assessment. I suppose the argument is a political one; you could argue that if these individuals paid more tax there would be more money to spend on provision for children. You can equally argue, as I do, that if we had a scheme that was uncompetitive these individuals would not move to Jersey because there are other competitive schemes elsewhere, and, therefore, we would have less money to spend on children's provisions. So I think on balance the children's rights impact assessment is a fair one. These are important changes. They are not just tinkering around the edge; they are, yet again this Government under the Chief Minister's leadership, doing what she said that she wished to do when she stood for the office of Chief Minister, and this is another action accomplished. She has spoken about others that we have accomplished during the course of the day. We have heard the Minister for Infrastructure talking about the actions that he is accomplishing earlier. I am very grateful for Members' support so far. I do take the view that these entrepreneurial business people who happen to have high net worths, but more importantly for me they bring their businesses, they bring their skills, they bring their connection and, therefore, they are bringing jobs and growth and opportunities that we as an Island would not have without them, and I welcome them. I am pleased that they choose Jersey and I hope that even with this greater financial burden they will see that we are a supportive community and we wish to continue to welcome them and take ... I should not take advantage, but we value their businesses, their entrepreneurialism and the growth opportunities and experiences that they can bring not only to us but our future generations and young people. So I maintain the amendments in Third Reading.

The Deputy Bailiff:

Thank you very much. Is the appel called for?

Deputy I.J. Gorst:

Yes, please, Sir.

The Deputy Bailiff:

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting.

[15:45]

If all Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading: 43 votes pour and one vote contre.

| POUR: 43 | | CONTRE: 1 | | ABSTAIN: 0 |
|----------------------------|--|-----------------------|--|-------------------|
| Connétable of St. Helier | | Connétable of Trinity | | |
| Connétable of St. Lawrence | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of St. Peter | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Connétable of St. Clement | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy G.P. Southern | | | | |
| Deputy C.F. Labey | | | | |
| Deputy S.G. Luce | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B.de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |

| | | | | |
|--------------------------|--|--|--|--|
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy T.J.A. Binet | | | | |
| Deputy M.R. Ferey | | | | |
| Deputy A.F. Curtis | | | | |
| Deputy B. Ward | | | | |
| Deputy K.M. Wilson | | | | |
| Deputy L.K.F. Stephenson | | | | |
| Deputy M.B. Andrews | | | | |

Minister, I understand you now wish to propose a draft Act for the law to have immediate effect; is that correct? Presented to the States by you on 23rd May, a Draft Act declaring that the Income Tax (High Value Residents - Amendment) (Jersey) Law has immediate effect, P.29 addition. Do you wish to propose that? It is on the Order Paper.

Deputy I.J. Gorst:

Sir, I wonder if you might just confer with the Greffier; we always used to be required to have draft acts to give immediate effect but I think in this case if you look at Article 3 it is due to come into effect on 14th July and there is no longer a need for the draft Act. I could be incorrect in that assumption.

The Deputy Bailiff:

Well, if you are content then we will proceed in the absence of that matter on the Order Paper.

10. Amendment to Standing Orders - various amendments (P.30/2023)

The Deputy Bailiff:

The next matter is the Amendment to Standing Orders. Various amendments have been lodged by the Privileges and Procedures Committee and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey with immediate effect.

10.1 Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):

You will have all noted that this proposition was reissued at lunchtime to clarify Standing Order 169. The wording “Her Majesty in Council” will be replaced with “His Majesty in Council”. The rest of the proposition reads the same as before and the reissue was purely for clarity on Standing Order 169. P.P.C. (Privileges and Procedures Committee) has lodged this proposition which proposes a number

of amendments designed to update Standing Orders. Detailed explanation has been provided in the covering report to the amendment but I will briefly run through them. They are all intended to be minor tidy up amendments. The first amendment relates to de-gendering Standing Orders. In 2019 the Assembly agreed an amendment to Standing Orders which started a process of de-gendering Standing Orders. For example, any reference to “chairman” was replaced with “chair”. We have identified a further amendment to continue this process by replacing references to “manpower” with “staff”. This only impacts Standing Order 21 and the requirement that each proposition is accompanied by the proposer’s estimate of the resource implications of the proposition. If adopted this would be known as a statement of the financial and staff implications. The second amendment relates to the closure motion in respect of censure or vote of no confidence propositions. P.P.C. has proposed an amendment to Standing Order 84 which would make an explicit provision so that the subjects of censure or vote of no confidence propositions would have the chance to speak a second time in the event of a successful closure motion. This will reflect in Standing Orders a ruling the Bailiff has previously made on this matter. The third relates to the Minister for External Relations. Following the Chief Minister’s recent decision to rename the Minister for External Relations and Financial Services as Minister for External Relations we have proposed an amendment to Standing Orders 117 and 120 to ensure the correct terminology is used. The fourth relates to the involvement of Ministers in Scrutiny appointments. Ministers are already prevented from taking part in the selection of the chair of their Scrutiny Panel. During the appointment of a chair the relevant Minister or Ministers can neither nominate candidates for the position nor take part in any vote required to select a candidate. There is currently no corresponding provision in respect of the appointment process of members of Scrutiny Panels. Although we are not aware of any contested appointments to Scrutiny Panels we are proposing an amendment to Standing Order 125 to ensure clarity that if a chair’s nomination is contested the relevant Minister or Ministers could neither nominate alternative candidates or take part in any ballot that was required. The 2 last amendments relate to references to His Majesty the King. Following the recent change in monarch there is a need to update Standing Orders 104 and 169 to ensure that reference is made to His Majesty the King. Finally, and as I said at the beginning of this speech, the last amendment is Standing Order 169, for the words “Her Majesty in Council” substitute the words “His Majesty in Council”. Sir, I move the proposition.

The Deputy Bailiff:

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

10.1.1 Deputy R.J. Ward:

Sorry, I have got myself very confused here. So are we saying that ... I have got confused over the change because I read the initial one and the other one came out just today. I was wondering, so is this now that members of Scrutiny Panels can also not be voted on in a similar way to the chair of the panel, or have I misread that? It could just be me that has misread that. I did have a headache, to be honest. But if I could just ask the chair of P.P.C. just to clarify that change because I missed that. I do apologise.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? If not I call upon the Chair to reply.

10.1.2 The Connétable of St. Martin:

In response to Deputy Ward, the only thing that was changed on this updated version was the change from “Her Majesty in Council” to substitute the words “His Majesty in Council”. The appointment for Scrutiny Panels is purely that Ministers - and this is Assistant Ministers - cannot take part in or nominate Scrutiny chairs. Sir, I would like to call for the appel.

The Deputy Bailiff:

The appel is being called for. I invite Members to return to their seats and ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. I can announce that the amendments to Standing Orders have been adopted unanimously: 42 votes pour.

| POUR: 42 | | CONTRE: 0 | | ABSTAIN: 0 |
|----------------------------|--|------------------|--|-------------------|
| Connétable of St. Helier | | | | |
| Connétable of St. Brelade | | | | |
| Connétable of Trinity | | | | |
| Connétable of St. Peter | | | | |
| Connétable of St. Martin | | | | |
| Connétable of St. John | | | | |
| Connétable of St. Clement | | | | |
| Connétable of Grouville | | | | |
| Connétable of St. Ouen | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy G.P. Southern | | | | |
| Deputy C.F. Labey | | | | |
| Deputy S.G. Luce | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B.de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |

| | | | | |
|--------------------------|--|--|--|--|
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| Deputy A. Howell | | | | |
| Deputy T.J.A. Binet | | | | |
| Deputy M.R. Ferey | | | | |
| Deputy A.F. Curtis | | | | |
| Deputy B. Ward | | | | |
| Deputy K.M. Wilson | | | | |
| Deputy L.K.F. Stephenson | | | | |
| Deputy M.B. Andrews | | | | |

11. Removal of Compulsory Independent Taxation for Existing Married Couples and Civil Partnerships (P.32/2023) - as amended (P.32/2023 Amd.) (P.32/2023 Amd.(2).)

The Deputy Bailiff:

The next item of Public Business is Removal of Compulsory Independent Taxation for Existing Married Couples and Civil Partnerships, lodged by Deputy Farnham. The main respondent is the Minister for Treasury and Resources. Deputy Farnham, you have lodged an amendment to your proposition and one has been lodged by Deputy Alves, is that right?

Deputy L.J. Farnham:

Yes.

The Deputy Bailiff:

Do you wish your proposition to be read as amended by both amendments?

Deputy L.J. Farnham:

I do, and if possible at the end of the debate I may well ask for paragraphs (a), (b) and (c) to be taken and then (d) to be taken separately if we do that.

The Deputy Bailiff:

Well, that is a matter for you in due course. Does any Member object to the proposition being read as amended?

Deputy P.M. Bailhache:

Yes, I would prefer it not to be proposed as amended because I would like to reserve the right to vote against the amendment of Deputy Farnham to his own proposition.

The Deputy Bailiff:

Deputy Farnham, can your proposition be read as amended by the amendment of Deputy Alves? There is no objection I think to it being read as amended by that, or do they overlap each other? They both overlap, do they not.

Deputy L.J. Farnham:

May I suggest, if acceptable to Deputy Bailhache, would it be I think perhaps acceptable if we were to take a vote on each paragraph separately. That would enable Members to vote accordingly and it would enable Deputy Bailhache to vote against the amendment which would be paragraph (c).

The Deputy Bailiff:

Yes. The original proposition, Deputy Bailhache, concerned, as you know, just (a) and (b) and the amendments of both Deputy Farnham and Deputy Alves relate to (c), and Deputy Farnham has said that in any event he will invite the Assembly to vote separately on (c). With that in mind are you content for the proposition to be read as amended?

Deputy P.M. Bailhache:

I am sorry, I did not hear what you said, forgive me?

The Deputy Bailiff:

The original proposition contained just paragraphs (a) and (b), the proposition lodged on 23rd May. Paragraph (c) was lodged by way of an amendment by Deputy Farnham subsequently and that paragraph was further amended by Deputy Alves in her amendment. But Deputy Farnham has made clear that in due course he will invite the Assembly to vote separately on (a), (b) and (c), and in view of that undertaking are you content for the proposition to be read as amended.

Deputy P.M. Bailhache:

Yes, Sir, thank you.

The Deputy Bailiff:

Thank you very much. Deputy Scott?

Deputy M.R. Scott:

Sorry, I am trying to just clarify the combined effect of Deputy Alves' amendment with the original proposition. As I understand it, it is saying that those who married or entered into a civil partnership after 31st December and those who married or entered into a civil partnership before 31st December and moved to the Island; so that is Deputy Alves. I think I am understanding that Deputy Farnham is saying that those who were married before a certain date would have the benefit of the continuation of the married couple's allowance. But Deputy Alves proposition will give that right to people who married or came to the Island after a certain date. So that means that people who were married before a certain date would not have the benefit whereas people who were married after would. I have difficulty in combining the 2. I would rather that each were separately debated.

The Deputy Bailiff:

Well, they will be voted upon separately in due course if you are content with that, and I am sure that Deputy Farnham in due course will explain what it is that his proposition is designed to achieve.

Deputy M.R. Scott:

Indeed, thank you.

The Deputy Bailiff:

I invite the Greffier to read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) that independent taxation should not be mandatory for married couples and civil partners who currently complete a joint tax return and who chose not to elect for independent taxation prior to 29th July 2022; (b) to request the Minister

for Treasury and Resources to take the necessary steps to ensure that joint taxation remains available for any such married couples and civil partners; (c) to request the Minister for Treasury and Resources to take the necessary steps to modernise joint taxation returns to ensure married couples and civil partners, who choose to remain subject to joint taxation, will have shared responsibility for their tax return, and that both parties to the tax return will be required to sign; and (d) that for those who married or who entered into a civil partnership after 31st December 2021, and those who married or entered into a civil partnership before 31st December 2021 and moved to the Island after this date, who are automatically assessed independently for tax, there should be the ability to opt for application of the current marriage and civil partnership exemption thresholds and allowances.

[16:00]

11.1 Deputy L.J. Farnham:

This proposition respects the previously agreed position of independent taxation as the default position for all new married couples and civil partners. Perhaps with reflection that could be a debate for another day, given the strength of feeling Islanders have expressed since the publication of the proposition. This proposition seeks to retain the freedom of choice to allow existing tax-paying married couples and civil partners to retain the right whether they choose to whether they file either a joint return or independent tax return. Turning to my amendment, this proposition, by asking for the modernisation of legislation relating to joint tax returns, also aims, in line with our commitment to further align ourselves with the international standards and recommendations set out in the Convention of the Elimination of all Forms of Discrimination Against Women, which was extended to Jersey in February 2021 to eliminate any form of discrimination against women that remains in our tax system. I will explain a little bit more about that shortly. By way of background, in November 2019 the then Minister for Treasury and Resources, Deputy Susie Pinel, lodged a proposition to begin reform of the personal taxation system. In February 2020 the States Assembly agreed in principle to introduce a new system of independent taxation. The States Assembly agreed the first law changes on the 15th of September 2021 requiring from 2022 anyone who gets married or becomes a civil partner, or anyone arriving in Jersey will be independently taxed. The current system of married couples taxation is well-established and has been a part of Jersey's tax law since 1928 when income tax was first introduced. However, legislation shortly to be presented to the States will require all married couples and civil partners to be independently taxed from the year of assessment 2025. When Islanders are independently taxed they will be legally responsible for filing their own return and paying their own bill throughout their life, whether single, cohabiting, in a civil partnership or married. This new law will apply to all existing taxpaying married couples and civil partners. The legislation also provided for elections to be made by a small pilot group who chose to move into independent taxation from 2022, with a further election process available for all married couples from 2023. In an answer to an oral question in the States Assembly on 2nd May this year Deputy Millar confirmed that out of approximately 19,000 taxpaying married couples and civil partners only 121 couples from a pilot group of 282 others had opted for independent taxation for the year of assessment 2022 and 2023 respectively, with only 60 couples so far opting for independent taxation for the year of assessment 2024. This despite extensive public consultation and engagement. This data establishes that so far only 2.4 per cent of existing married couples and civil partnership taxpayers have chosen to move to independent taxation. Deputy Millar was unable to explain why there had been such a low take up. It is, however, clear from those statistics that the move to force individuals on to compulsory independent taxation, many of whom have been completing joint returns for all of their married lives, is proving most unwelcome and unpopular. If approved by the Assembly mandatory independent taxation will be imposed upon all Islanders from the year assessment 2025, and while there is no financial impact for some couples approximately 7,000 couples would see their tax liability increase. The increase will arise for couples where one partner has income below the single person's income tax threshold which is currently £18,550. This impacts mainly lower income families and pensioners, with some higher income families seeing a reduced

tax liability. For couples where one has income less than £18,550 per year and the other partner's income is more, the 2 independent tax bills added together may come to more tax than is paid with the current allowances under the current joint tax return. But all is not lost because the couple will be able to claim a compensatory allowance for the difference when independent taxation is made compulsory. It is proposed that the compensatory allowance will be in place for only 10 years with a statutory review year 8. The logistics of this, particularly for the older generation, pose more of a problem where the husband or the wife will never have completed a tax return prior to this. In addition, where one individual may have become ill or incapacitated and physically unable to complete a form there are no provisions to allow a joint return. Many Islanders cannot see the rationale for having to complete 2 forms instead of one. There is of course a valid issue about the unsettling effect these changes will have on many couples, especially - as I said - for the older generation, and similar concerns have been raised by the Citizens Advice Bureau in the personal tax community helpdesk events which have taken place in Parish Halls and other locations across the Island since 2022. We have seen a lot of tax computation examples provided by the Ministerial team on this but an example of where concern is being expressed is any woman, for example, who held a red social security card, their pension now has to be declared on the husband's return. That I think came into force 3 or 4 years ago. No allowance has been made for this under the proposed changes and that is such the entire tax burden will fall on the husband for both pensions. This is the sort of thing that is causing concern. It appears that new tax systems and the accompanying software have been put in place prior to any decisions being made about independent taxation. In fact I remember from the ... I cannot remember the year, I should have looked it up, but I remember there were some contentious issues raised by Scrutiny at the time because of the fact that the system was purchased off I believe a New Zealand business with very little example of it operating in many, if any, countries in the world. As a result it had to be adapted accordingly. Islanders are having to adapt accordingly to the system that we have in place when it really should be the other way around. I maintain that we should be adapting our systems and our software to operate in the best interests of our Islanders. The Minister for Treasury and Resources has confirmed in a written question that the revenue management system has been customised for use in Jersey to accommodate joint returns. So they can do it. The system has already been adapted. They are doing it now. We have been doing it since 1928, running parallel systems for single and joint returns. The system is adapted and it is working at the moment. But he also stated that quantifying the future costs, resources and complexity is difficult. Yet he goes on to say that allowing couples to remain in the married couples taxation regime is likely to increase the costs to Revenue Jersey by at least £500,000 per year. I understand that is a guesstimate; there is no evidence or workings to support this. But I cannot see how maintaining and modernising what we have already to be so complex. I absolutely cannot see how processing triple the amount of tax returns and calculating compensation for up to 7,000 more returns can actually cost less and be more efficient. Simply put, instead of one joint return for a couple there will now have to be 3 returns processed, spouse A return, spouse B return and then work will have to be done by the Revenue Jersey Department for a joint return in order to calculate whether any compensation is due. So we are not really losing the joint return, we are just creating more filing because that joint analysis, that joint calculation, has to be done for calculation. This will rely upon spouse A and spouse B agreeing on the income to be submitted by each and on both returns being correct and submitted in a timely manner in order to calculate the correct compensation. The very fact that a compensation scheme has been developed is an admission that many taxpayers will be worse off. The question of whether joint tax returns discriminate is an important one and is also subjective and can depend upon various factors and perspectives. In civil partnerships or same sex marriages the individuals concerned can elect who is spouse A and who is spouse B, and that is important. I believe that if the Assembly were to accept this proposition as amended in relation to the modernisation of tax returns, this choice should be extended to all joint returns, thus removing the discriminatory nature of the existing married man's joint return. All taxpayers have been issued with individual tax identification numbers. Modernisation of the joint return should require the tax

identity number for each spouse. As a result I believe - of course with further auditing and checking - that it would not be difficult ...

Deputy I.J. Gorst:

Sir, I wonder if the Deputy could just give way because he keeps using a term which is not a concept known under Jersey tax law.

Deputy L.J. Farnham:

Yes, Sir.

The Deputy Bailiff:

You agree to give way?

Deputy I.J. Gorst:

He keeps using the term "joint tax return". There is not such a thing currently as a joint tax return in Jersey tax law.

Deputy L.J. Farnham:

I think Members know what I mean, Sir. Would you like me to call it the joint tax assessment?

Deputy I.J. Gorst:

No, it is the married man's assessment. He and I both fill in the married man's assessment.

Deputy L.J. Farnham:

Okay. I did allude earlier to the married man's assessment and those are the sort of acronyms we need to dispose of. We need to lose that. But we do not have to go to independent taxation to do that; we can do that by applying the same rules to all joint returns that we have currently in operation with civil partnerships and same sex marriages when the individuals concerned can elect who is spouse A and who is spouse B. There have been claims we are out of step with the rest of the world when it comes offering a joint return option. This is not true; in many countries, including the United States, the option to file joint tax returns is available to married couples. In the United Kingdom spouses or civil partners have the option to file a joint tax return known as a joint assessment. The primary purpose of joint tax returns is to simplify the tax filing process for couples and provide certain tax benefits. They are also more cost effective for the tax authorities to process. Joint tax returns offer advantages such as lower tax rates, increased deductions and eligibility for certain tax credits. They are encouraged in other jurisdictions for those reasons. These benefits are also designed to reflect the economic reality of couples sharing financial responsibilities. For many couples financial affairs are usually closely interlinked. Married pensions, joint investments, joint property ownership generating rental income, joint savings are some examples. Having to fill in 2 returns and potentially a compensation claim would just be unproductive and unnecessary. We can find a workaround. I am sure that we will see a response from the Government that presents a range of fantastic and complex reasons why we just cannot keep what we have at the moment. I can predict this from the volume of paperwork put out by the Treasury in relation to this subject; particularly in their report to this proposition which I look forward to challenging during the summing up at the end of this debate.

[16:15]

While I understand that we all have to try and drive efficiencies through our public sector I do not think we should ever forget about putting the best interests of Islanders before that. While I accept if the Assembly did approve the proposition today it would be inconvenient for the Tax Department, it would certainly set them an achievable challenge to retain the joint income tax return for Islander's who have been used to this system for many, many years. I make the proposition.

The Deputy Bailiff:

Thank you, Deputy. Is the proposition seconded? **[Seconded]** Does anyone wish to speak on the proposition?

Deputy C.F. Labey of Grouville and St. Martin:

I would just like to ask the Attorney General a question before the debate starts and reserve my right to speak. Could he confirm that the fact that we signed up to C.E.D.A.W. (Committee on the Elimination of Discrimination Against Women) how do we stand with that, because this was one of their requirements that we went to independent taxation. So could he confirm how we stand with that, thank you.

The Deputy Bailiff:

Attorney, do you want some time to consider that or do you want to answer that question now?

The Attorney General:

I think I can answer the question now. When we decide on whether we wish to be bound by an international convention we are required to carry out a due diligence exercise in relation to our laws. As I understand it, this was one of the laws that was identified as being problematical in relation to the extension of that particular convention. The specific difficulty is in relation to how Articles 121 of the Income Tax Law, and its equivalent which concerns civil partners, interact with the definitions of spouse A and spouse B, which is set out in the law. The effect of those provisions is that the current law in relation to taxation for married persons or civil partners in Jersey is that it is the husband's income that is chargeable to tax and his wife's income is treated as that of the husband and the equivalent applies to persons in a civil partnership. So when it comes to the extension of the convention, if those provisions are not amended it is my view that it will be problematic for us to inform the U.K., who is responsible for the establishment of conventions to us where we decide to do so; it will be difficult for the U.K. to say that we meet the requirements that are provided for in the convention. I hope that assists the Deputy.

Deputy L.J. Farnham:

May I ask a follow up question, Sir?

Deputy P.M. Bailhache:

May I ask a supplementary of the Attorney General?

The Deputy Bailiff:

Yes. Shall we start with Deputy Farnham's question and then yours, Deputy Bailhache?

Deputy L.J. Farnham:

I made reference to C.E.D.A.W. in my opening speech and suggested that if the provisions in place for civil partnerships and same sex couples were extended to all couples, would that fit the requirements of the convention?

The Attorney General:

Sorry, could I ask the Deputy to repeat what he just said?

Deputy L.J. Farnham:

Yes, I alluded to this in my opening address and I suggested that if the same provision in relation to spouse A and spouse B as provided for in civil partnerships and same sex couples was extended to all married couples, so the married man's provision would be removed so all couples had the same choice of spouse A and spouse B, would that meet the terms of the convention?

The Attorney General:

I am not sure I fully follow the logic of that suggestion and I am not sure that I can give a categorical answer in relation to the Deputy's suggestion. The answer that I gave was an in principle one; I would need to go back to the relevant convention and conduct a more detailed review of whether or not the Deputy's suggestion would meet its terms.

The Deputy Bailiff:

Yes, all right. Deputy Bailhache, you have a question for the Attorney?

Deputy P.M. Bailhache:

Two questions to the Attorney, Sir. First of all, is the position that the Island made a reservation in relation to the convention when it was decided to accept it? It was not quite clear from the Attorney's response whether that is the position. Secondly, is it the view of the law officers that even if couples have to elect to avoid independent taxation that still amounts to a discriminatory process?

The Attorney General:

Sir, I would need some time to consider those questions.

The Deputy Bailiff:

Yes, well the second question is of course possibly quite important. How long do you think you would need to respond to this? The debate may go over until tomorrow in any event. I do not know.

The Attorney General:

It may be that I will need some time this evening. I cannot give a precise indication now.

The Deputy Bailiff:

All right. Who wishes to speak next on this proposition?

11.1.1 Deputy E. Millar:

Work has been underway since 2018 to prepare Jersey to adopt independent taxation. We are due to discuss the Government's proposition P.41 on 18th July. The Government has always recognised, and I think the Assembly has always recognised, that this is the most significant change to our personal income tax regime since it was first introduced in 1928. I would just like to pause on that for a moment; 1928. In 1928 this Assembly had only just passed a law to enable women to stand for election to this Assembly. Previous iterations of that law had said only women who were separated could stand, and not married women. But the law was passed in 1928 and it took another 20 years for a woman to be elected. Had we been sitting here in 1928 when this law was originally passed there would be no female faces in this room. There would certainly be no Bailiff, there would be no female A.G. (Attorney General), none of the Greffe staff would have been female. There would have been no female advocates at the bar, I doubt there would be very many female doctors and I doubt very much that there would be any female directors in any of the businesses and banks running this Island. I am not quite sure what women would have been doing in 1928 but they would not have been in positions of power. I expect that there could be older sisters in a land-owning family who would sit and see the land going to their younger brother because women could not inherit. We have come a long, long way since 1928 and it really is time we reflected on that. For many it is a matter of some embarrassment that Jersey still has the regime of so-called married couples' taxation in existence. Most jurisdictions dispensed with that form of taxation many decades ago. The United Kingdom changed their laws in 1990. Maintaining it raises questions around our commitment to equity of treatment for Islanders and potentially allow the situation of coercion in marriage to continue. I am sure that other Members will be discussing those later on so I am not going to go into that in too much detail. I am very aware that earlier surveys told us that about one-fifth of Islanders

might prefer to remain with the existing regime. I appreciate their concerns but I believe they are not well-founded and to allow this form of taxation to continue indefinitely would perpetuate the discrimination between married and cohabiting couples as well as sex discrimination and age discrimination in same sex couples. I do not believe Deputy Farnham is right. Same sex couples do not elect; the older of the 2 partners is responsible for filing the tax return. This discrimination could easily last for 60 years or more given that we have some quite young couples who have married before 1st January 2022. I also believe that our fundamental commitment to low, broad, simple and fair taxation merits us having just one tax regime that applies to everyone. We already have independent taxation. We are well on the way to completing these changes. The previous Assembly passed a law which means that anyone who is married since 1st January 2022 is already taxed independently. Any married people who have come to Jersey as couples since 1st January 2022 are also independently taxed, and a number of people have chosen to switch to the new regime as a matter of choice and within a deliberately restricted pool of potential applicants as part of early pilot work. The first group was kept small deliberately by Revenue Jersey to make sure that our systems worked, and, as Deputy Farnham says, while a relatively small number of people have elected, some people have elected. As I previously said, I cannot necessarily see why. It may be something as simple as compensatory allowance to come into place to mean that they will not be worse off by going into independent taxation. It has always been the case that we expected to move all remaining married couples to independent taxation as soon as we were ready to put in place the proposed compensatory allowance. That allowance mitigates the problem that all jurisdictions have faced in moving to independent taxation: the problem that, all other things being equal, some groups would be financially disadvantaged by an overnight move. That allowance offers perfect compensation to those who need it. It changes with people's circumstances over the transitional period. The compensatory allowance does not need to be applied for. They do not need to fill in 3 separate returns. A married couple will each file their own return and our system will work out what the tax is that they should pay and will apply the compensatory allowance appropriately. The Government's draft law, P.41, which we will discuss in a few weeks, assumes that it will continue until the Assembly decides it is no longer needed. I have to emphasise this. The compensatory allowance is presently intended to be there for at least 10 years. It will be reviewed, the law requires a review after 8 years, and it will be there for at least 10 years, however, the States must make a positive decision to remove it. It will not simply fall away at 10 years. The States in 10 years' time must decide whether that compensatory allowance is still needed and will have to decide whether or not to remove it. So the notion that within 8 to 10 years couples will suddenly face the cliff edge that we are avoiding by the compensatory allowance is not the case. The compensatory allowance, I would also just mention, costs Government nothing. It keeps people in the same position that they are in at the moment and it keeps money in their pockets and not in the pockets of the Comptroller. Deputy Farnham has amended his proposition to ameliorate some of the more difficult aspects of keeping married taxation in order to persuade us not to make independent taxation mandatory for those Islanders who were married before 2022. I appreciate he is endeavouring to adduce a viable alternative option to independent taxation but I do not believe fundamentally that we ought to be complicating our tax system even further by creating this level of optionality. There is a well-known expression: "Two things are certain; death and taxes." We are creating a huge amount of uncertainty in our tax system by creating optionality and Deputy Alves' amendment, which we will discuss later, makes that even worse. Bells and whistles cost money, both in terms of the initial outlay in policy development and on new systems, and then on ongoing costs associated with dual running of software and systems that link with communication with customers, with taxpayers, it will detract people ... and I know the Assembly does not always like to make decisions based on either cost or administrative complexity, but if you vote for Deputy Farnham's proposition you must be prepared in a year or 2 to vote for more money to Revenue Jersey to fund this tax system.

[16:30]

Deputy Southern this afternoon said, and I completely agree, that we want systems working efficiently for Government. This will not be an efficient, inexpensive system. We can find expensive people to develop the systems but it will cost a huge amount of money and that will be money that will be diverted away from other front line services. Simply put, we cannot afford this level of optionality and what money we have could be better spent elsewhere. Additionally, some Members will remember from their time in the last Assembly that the Government had previously reviewed the case for modernising the married man's tax system, for example, to create joint and several liability for tax debts. That was reviewed and ultimately after investigation it was determined that modernising married man's taxation to turn it into some form of modern joint taxation was not viable. I would simply emphasise again that the phrase "joint taxation" is a misnomer. We do not have joint taxation. A wife's income is deemed to be that of her husband, her husband is responsible for filing a tax return, and he is responsible for paying the tax. That has ongoing benefits even once couples are divorced, but that has implications. It has implications now on death because the 29 tax debt sits with the husband and must be taken from his estate. There are all sorts of knock-on issues with married man's taxation that we would need to try and deal with. It would be expensive and time-consuming to create joint taxation. There would be real practical difficulties to overcome, for example, with digital I.D. for joint tax accounts and online filing of returns. I think even the banks struggle to allow individuals to use joint taxation ... to use online systems to operate accounts unless it is very clear that one party can do everything. Joint signatures and joint accounts are very difficult. This will also make it difficult to contemplate further simplifications which I know some sections of this Assembly advocate. We really do not want to place these levels of complexity on Islanders or indeed our tax officers. Deputy Farnham has also mentioned older people, and I do have great sympathy with his concern for our older people, but I do think it is to a great degree overexaggerated and people are worrying unnecessarily. It is already the case that when faced with a bereavement or separation the surviving spouse will need to file a tax return, and that is true no matter how long you have married. If you had been married for 60 years and you are 85, if your husband dies we cannot insulate you from having to do a tax return. Tax returns are not that complicated. Revenue Jersey is there to help when needed. The new tax community help desk which has been moving around to Parishes has been particularly popular with older people, particularly in the country Parishes. That will continue. Revenue Jersey already support many older people who have to do a tax return for the first time and we will continue to do that. It is also the case that the law does not oblige an individual to complete a tax return personally. Their spouse can still do it, they just need to sign it or file it electronically using their own digital I.D.; if indeed a return needs to be done because for many spouses a tax return will not need to be done. If their only income is a pension they will not need to do a return. In fact, it is as much the case as at present. When I was married I wrote the tax return and my husband merely signed it. There is no reason why the husband, and a husband who has been doing the joint tax return for 60 years, I find it difficult to believe that he will leave his wife cast adrift and not help her to do the tax return. It may be the process that already happens in many households. The point that Deputy Farnham made about what happens if one couple loses capacity; that exists at the moment. If a husband loses capacity his wife cannot automatically sign the form. He needs a delegate or attorney to be appointed to sign his tax return, so the position is no different from what it is at present and there are ways around that by power of attorney, for example. Deputy Farnham also mentioned the concept of a red card. I believe that there are many married women, there may be women in this Assembly who have a red card, there may be men in the Assembly whose wives had a red card. When I married in 2000 nobody told me about it and I have always had a blue card which means I have always paid full contributions, as I understand it, whereas people with red cards have paid less. Why is that fair? I did not know all that time that I was prejudiced and I could have had a red card, although I am perfectly happy that my pension is what I have earned and not what my husband has earned. Revenue Jersey estimates that around 3,000 married pensioner couples of around 4,800 will still need to file just one tax return under independent taxation. I could go on but this is a technically complex subject and the devil truly is in the detail. If Deputy Farnham

succeeds then I would inevitably have to withdraw proposition 41 which creates mandatory independent taxation from 2025 and creates the proposed compensatory allowance. People who have already married or come to Jersey from 1st January 2022 will remain in independent taxation as they are at present, because that was the decision of the previous Assembly. We may still want to bring forward draft legislation to allow currently married people to move into independent taxation if and when they choose to move. That decision would be irrevocable. I would still propose to bring forward legislation that allowed either spouse or civil partner to elect to move to independent taxation without the consent of the other to minimise risk of coercion. I would hope that the Government in this Assembly could return to this topic at a later date, but if we do not proceed as planned at this time Ministers and Revenue Jersey may need to prioritise other tax developments and transformation projects and it may take some years to come back to independent taxation. I should say that it seems very unlikely that we could operate 2 tax systems that maintains both married man's taxation and independent taxation with a compensatory allowance and alongside the dual calculation which supports marginal relief. Complex systems, as I have already said, are difficult to develop and maintain and we are building in increasing complexity. This inevitably means that for now independent taxation is the only viable option provided ... so for residents who were here before 2022 or were married before 2022, independent taxation is only a viable option if it is financially neutral or beneficial for them. That means that those couples who would like to be independently taxed will be excluded from that. That means lower income couples, lower income women will be trapped in married man's taxation and we will also continue the inequality caused by gender and age in our current system. As Deputy Ward mentioned this morning, no Assembly can bind the hands of another and it is in your hands to decide what to do. I would find it deeply ironic for an Assembly with so many women to reject independent taxation and put women on a fully independent footing. Many Members have been lobbied by Islanders who say they want no change. But over half ...

The Deputy Bailiff:

Can I ask, Deputy, are you the main responder?

Deputy E. Millar:

Yes, apologies.

The Deputy Bailiff:

I see. I understand. In that case that is fine, yes.

Deputy E. Millar:

Over half of those surveyed supported independent taxation and we have not fully heard their voices unfortunately, particularly those lower income people who cannot afford to make the move to independent taxation without our help or who live in coercive relationships. A personal perspective. I have been the wife who filled in the tax return because my tax affairs in the early days were slightly more complicated than those of my husband. I received a letter from the Comptroller asking questions about my tax affairs. When I have written to the Comptroller he has returned with a letter addressed to my husband. I have again written and he has again written back to my husband. I believe that has now changed but only if the husband consents to his wife being able to discuss his tax affairs; not her tax affairs, his tax affairs. My recollection is that for most of those tax returns there was a box to be ticked that said: "Are you married?" or some such and: "What is your wife's name?" The last tax return I filled in simply said: "Are you married?" They did not even ask for my name; that is shocking, it is absolutely shocking. It is no longer acceptable to maintain a tax system which makes one partner subordinate to another and which treats a wife's income as belonging to her husband. I also find that position impossible to square with our recent decisions at the last sitting and in fact took another question this morning from Deputy Andrews about gender pay-gap reporting. What are we saying? What are we telling our children, our granddaughters and our daughters, that

we want women to have equal opportunities in the workplace, that we want them to aspire to having great careers, that we want them to be captains of industry, that we are quite happy for their income to be treated as the income of her husband and for their husband to do the tax return? The 2 things simply no longer hold good. I urge Members to reject Deputy Farnham's proposition.

11.1.2 Deputy H. Miles of St. Brelade:

Before I start my speech today I probably need to assure the Assembly that I have my husband's permission to talk about his tax affairs in public and therein lies the problem. It is 2023 and, as a married woman of nearly 30 years, I am still considered to be, by the Jersey legal system, my husband's chattel, his personal possession. In other more advanced jurisdictions this sort of nonsense was legislated out decades ago. It is not right that in 2023, as a mature, educated, married woman, I am not able to take control of my personal tax affairs without my husband's permission. Two years ago, as we have heard, in 2021 the then Minister for Treasury and Resources presented a draft law to introduce independent taxation. At the time of the debate Deputy Susie Pinel said: "I am disappointed that we are holding this debate in 2021, it simply should not have taken us so long to reach this point. Jersey is lagging behind the rest of the developed world. I am disappointed that parts of our income tax system are so archaic that unpicking it to create something more suited to the 21st century has been cited previously as one reason for delay, rather than a call to action. I am disappointed for the wives, married same-sex couples and civil partners of Jersey who have not been treated equally or fairly and who, on occasion, have been shocked, dismayed and embarrassed that they needed their husband or partner's permission to speak to Revenue Jersey about their own tax affairs." Deputy Mézec was reported in the publication of the *New York Times* as saying: "It is simply wrong that in the year 2020 our tax law erases the identity of married women. It is the stuff of medieval times, not the modern age." I will be intrigued to know whether he still feels the same. Yet here we are in 2023 debating a proposition that will perpetuate the inequality and, effectively, overturn the overwhelming wish of the Assembly in 2021. Other Members will talk about compensatory allowance matters and form-filling, so I am going to concentrate my speech on rights and responsibilities. Based on my long experience as a criminologist working across the justice system in Jersey in a number of law enforcement agencies, it is my belief that providing married women with the opportunity to opt out of independent taxation will create yet another opportunity for perpetrators of domestic abuse to coerce and control their partners, by forcing them to hand over their tax responsibilities and, therefore, limit their knowledge and control of their own financial affairs. Economic abuse is a form of coercive control that involves the control of a partner's or ex-partner's money and finances, as well as their access to basic necessities, such as food and clothing. It can include exerting financial control over income, benefits, spending, bank accounts, bills and borrowing. It can be maintained through other forms of control and threats of physical harm. Members will know that there is a significant piece of work going on at the moment by the Violence Against Women and Girls taskforce. Research carried out by this taskforce has found that economic abuse is a key element of the abuse that is suffered by victim survivors in Jersey. For virtually all the survivors who participated in our focus groups in interviews with researchers, economic abuse made up a significant way in which they were controlled and restricted. Examples included all finances being in the perpetrator's name or the perpetrator controlling victim's access to their own bank account, no control or even sight of finances, refusing to pay maintenance or fund necessities. Victims of V.A.W.G. (Violence Against Women and Girls) in Jersey reported higher percentages of economic abuse than their counterparts; nearly 60 per cent versus 30 per cent in the United Kingdom, that is nearly double.

[16:45]

Restricting the independent taxation of women reinforces a message of gender inequality, which is known to be a key driver of violence against women and girls. The World Health Organization tells us that gender inequality is a key driver of violence against women and girls and, as such, promoting

and achieving gender inequality is a critical element in the prevention and reduction of violence against women and girls. Restricting the independent taxation of women reinforces gender inequality because it implies a paternalistic assumption that women might not be capable of filling out their own tax returns or that the administration of financial affairs is men's business. As Deputy Millar said: "We are not in 1928." The model is fundamentally based on a family where the man goes out and earns the money and the woman is reduced to being cast in the role of second earner, spouse B, who is not expected to contribute equally. It assumes inequality within a relationship and perpetuates outdated assumptions about a woman's role in the family and the workplace, as a wife and/or a mother first and not an individual in their own right. Young people in Jersey are acutely aware of this inequality. Young people participating in our focus groups recognise the link between cultural attitudes towards women and the perpetration of V.A.W.G. behaviours. Several of the young women in our schools that spoke to our researcher referenced the fact that a married woman could not file their own tax return as an outrageous message to women in Jersey but it is acceptable and normal for men to control their financial affairs. One hundred per cent of the survivors who took part in this Jersey research agreed that that campaigning to shift attitudes and understanding of emotional abuse and coercive control should be a top priority for the V.A.W.G. taskforce. Eighty-six per cent also identified an understanding of financial and economic abuse as a top priority. Restricting the independent taxation of women would be to endorse a message of gender inequality and demonstrate a lack of knowledge and sensitivity to economic abuse and coercive control, which is completely at odds with the work that is being undertaken by the V.A.W.G. taskforce. I would also like to remind the Assembly that ensuring independent taxation of women is an obligation of Jersey under C.E.D.A.W., and I am sure the Attorney General will correct me if what I am about to say is not in its entirety correct. But, from my research, C.E.D.A.W. was extended to Jersey in 2021. It contains general principles of non-discrimination and substantive equality that can be brought to bear upon taxation. When an extension of C.E.D.A.W. to Jersey was sought, the U.K. Government entered into 3 reservations on behalf of Jersey, as the Island was not compliant with the provisions of the treaty in 3 areas. The first was distribution of immovable property, the second was domicile of dependence for married women and the third was personal taxation. To not permit for independent taxation of women does not comply with Article 13 of C.E.D.A.W. pertaining to economic and social equality, meaning Jersey will remain in violation of this Article and be unable to apply to have the reservation removed. Upon extension of the treaty it has been a priority of the Government of Jersey to seek removal of all the reservations entered into on behalf of Jersey for C.E.D.A.W. A commitment to this end has also been made to the U.K. Government and to not introduce this independent taxation could jeopardise this very important piece of work. It is a general recommendation of the U.N. (United Nations) C.E.D.A.W. Committee to ensure that all reservations to the convention are removed as soon as possible. To ensure Jersey's commitment to the convention in gender equality it is important that the Government take proactive measures to ensure all reservations to C.E.D.A.W. are removed as soon as possible. Article 1 specifies that: "Marital status is not an acceptable basis for any distinctions, exclusions or restrictions which impair women's equality with men in their enjoyment of human rights." Article 2 goes on that it requires: "States parties to condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without a delay in eliminating discrimination against women and to this end to undertake to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women." The impact of tax law should promote substantive and not merely formal equality between women and men, including egalitarian family relations. As the Minister for Social Security said, it is no longer acceptable for any person to be subordinate in a legally-sanctioned relationship; this is 2023, not 1823. It is a fact that economic and financial control are features of most abusive relationships. I find it really ironic that at the last Assembly sitting the House voted unanimously to make coercive control and economic abuse a crime and yet here we are 3 weeks later debating the perpetuation of a patriarchal nonsense. What am I going to say to my children, to my future granddaughters? How do I explain that we live in a place

that allows this level of discrimination to continue? Restricting the independent taxation of women reinforces the message that gender inequality is okay. It is not okay. It is wrong. In his summing up I would like Deputy Farnham to address some points; firstly, what safeguards he might propose to ensure that married women are protected from the coercive control that is implicit in his proposition. Secondly, how he will tackle the gender inequality, a key driver of violence against women and girls that is brought about by his proposition and what he is going to do to address the reservation in C.E.D.A.W. that will not be removed if his proposition succeeds because ensuring independent taxation is an obligation and we shall be in breach of the United Nations convention. Finally, I would reiterate, it is a fact that economic and financial control are features of abusive relationships in Jersey. The V.A.W.G. taskforce have ample evidence which will be presented later this year. Members may well be sitting there thinking: "Well, she is making an informed choice; it is up to her." Many women really do not have a choice at all, they are dependent on their husbands and offering a woman in this position an opt-out rather than a legal safeguard fails entirely to recognise or understand the mechanics of coercive relationships and the nature of consent. The system must change if we are to be confident that our tax system is not perpetuating these issues. Keeping married man's taxation maintains the possibility, however rare, that some women will be coerced into the status quo as a means of exerting economic and financial control over them. If defeating this proposition helps even one woman to escape that kind of coercion while delivering all of the other benefits, for me it will be worth it. I shall be voting against this proposition and I urge other Members to do the same.

11.1.3 Deputy M. Tadier:

I was pleased to catch the end of that impassioned speech and I have absolutely no doubt where my colleague's commitment lies to that. I cannot help feeling though that this misses a more fundamental point, is that I think this Assembly is trying to be taken down an avenue which one might call a forced dichotomy because I do not think there is anyone in this Assembly who believes that we should be promoting or perpetuating any form of coercive control or mechanisms that allow that. But I cannot help thinking that the card has been somewhat overplayed here because this is fundamentally about how you do it. I think we have agreed in principle that of course we should at some point move to independent taxation but the devil is very much in the detail, as are the winners and losers in that equation. I have something of an open mind on this, I think that is the direction of travel we should be travelling in, but I do not think the Government's come up with the right mechanism to do that yet. It also has to be said that much of the correspondence that we have all been receiving on this issue, whether it is from our own constituents or from the Island-wide constituency, has come from women themselves. These are not women who are writing to us saying: "Please continue the patriarchy because we love our husbands filling in our tax returns. Please enable more coercive control to happen." They are saying: "I think I am going to be worse off here than I was before." For the vast majority of couples who are filling in tax returns for them, I suspect, do not really care who is filling in the tax return. I am in the position where I am being required to fill in our tax return, it is due imminently, I think, and my wife is saying to me: "When are you going to do our tax return?" and I am saying: "Very soon, but also when you give me your paperwork then I can sit down, I can fill it in and you can check it, and I will sign it" but whatever, and in the future that may change. But I think women and men are more concerned about who the winners and the losers are going to be in this situation. The reason I brought the issue up with the Minister for Social Security during question time on this issue is that if we are truly concerned about coercive relationships, and indeed abusive relationships but we take it back to a point before they become coercive, how do we ensure that all parties in a marriage, whether it is a man or a woman because coercion can of course work in both senses. It is not just about women although I accept fully that it is often women who are victims in this case. Before a relationship gets into that coercive control position it is often because a woman does not have - if we are talking about women - the financial independence that she might have in the first place. It is not about what is the point of filling in a tax return yourself if you do not have

any income in order to fill it in; if you do not have any parity or equality in that relationship. I raised it before. The way we empower women, for example, to not be in these situations in the first place is to say to them ... it is easy for us to say, is it not, for Ministers to say to fill in their own tax returns otherwise we are in breach of C.E.D.A.W. and we might be promoting coercion. But what about women who do not have their own incomes because they are told: "You have to rely on your partner's income and you cannot get your own income." They say: "Where is the inequality in that? I thought I was an individual." You are an individual when it comes to the Tax Department but as soon as it comes to the Social Security Department, and you might have been a taxpayer in the past, of course, you may have contributed for decades in your own right as an independent woman, perhaps working into your 20s, 30s, 40s, as soon as you get into a relationship ... and we cannot legislate relationships. There are all sorts of family relationships and it may well be that you are in a relationship where you decide: "My husband is a high earner, I am going to stay at home to look after the children because it makes economic sense but it makes social sense. We have discussed it and that is a position we are quite happy with" but all of a sudden that woman then does not have her own income. But then you have the coercion comes in and the husband says: "I do not really like you going out at night so I do not want you having your own social life, I do not like you travelling with your friends", the tax return issue becomes completely irrelevant because that woman does not have her money. She goes to Income Support and says: "Can I claim some money because I do not have any money of my own?" "No, sorry, you cannot do that because you are not entitled to it. We take the whole family's income into account. Not just your husband's, we take your children's income into account." My position is very clear. I can accept independent taxation as a principle so long as the Government gets all of its other ducks in order. Because I remember speaking to the Treasurer. I forget the exact context, I think it was possibly during a hearing but it may have been a conversation that we were having. I think it was a formal meeting, probably a public one. He said to me the tax and benefit system needs to be seen as 2 levers that can be used in conjunction to effect social outcome. If you are, for example, giving money back to people you can do it through the tax system, and we have done it. We have either increased allowances and made people better off, and of course that only works if you are a taxpayer, but at the other end you do it through income support. You do it through the benefit system, either through targeted income support or through other elements within that system that are not contributory or they could be contributory as well. That is where you catch 2 people. If you say to 50 per cent of the population potentially or anyone in that situation: "You are not entitled to claim because your husband is the one that we look at" that is also in breach. Will the Minister for Home Affairs be standing and making that same impassioned speech if it comes to the Assembly, from whichever bench, that we should be moving to independent income support? Will there be the same harking from the Ministerial benches in that?

[17:00]

I hope so because the 2 very much go hand in hand. When those 2 systems are harmonised I will be happy to support independent taxation. But I am also concerned about who the winners and losers are about the transitional period that we have here. I think when it comes to Deputy Farnham's proposition, he has seen an issue, he has identified that issue that there is a lot of uncertainty from women, not just from men, in this area and I think he is seeking to address that. I put these comments on record because I will not be here for the vote necessarily but it is something I do feel very strongly about. I call on all true feminists in the Assembly but all those who are concerned about equality issues as well, whether it is for men or for women and for families, that we do need to look at the system holistically. It is not simply okay for Ministers to ... I am sure, in this case, it is a firmly held belief but for them to, what I would see as, trot out these arguments because it is convenient for them to support the wider move to independent taxation without doing it across the piece of the department.

11.1.4 Deputy M.R. Scott:

I have heard some really interesting contributions, for which I thank Members and the Minister for Home Affairs too. When I look at the concerns about independent taxation 2 main phrases have come to mind. One is why the anxiety and the other is this mention of administrative convenience. For many years this whole married man's allowance and having men write forms on behalf of women was an administrative convenience. Some of the correspondence that we have received I think have been that some women do like the administrative convenience of having their husband do their tax returns. I accept what the Minister for Social Security and the Minister for Home Affairs have said. That there are important reasons for having independent taxation and not least because of this conformity with the treaty that the actual identifying the woman as an individual is not in itself objectionable. But why the anxiety? We have identified a lot of people who have contacted us who are of a certain age, and I think this is where the benefit, the joy, of the compensatory allowance is coming into question. We are hearing that we will have it for at least 10 years and it will take a positive move to remove it. Some people really do not feel comfortable even with that. I do not think they feel comfortable with us personally and our decisions, but that is a different story. The Minister for Social Security I quote about that the compensatory allowance was introduced because of the concern that some groups would be disadvantaged by an overnight move. I think there are people in our community who are thinking they are of a certain age and if this compensatory allowance only lasts 10 years they are going to be disadvantaged at an age where they really will need some extra money, instead we will find them paying extra tax. I have a difficulty with that and they do. There was also this phrase about not wanting to create huge uncertainty. They have this uncertainty. What is more, past State Assemblies have contributed to this problem. They removed the allowance that was available to people of a certain age over their 70s. That has increased their tax burden already. Now we are saying we might increase it a bit more if you are a married couple: Sorry, about that. No, you just have to trust us." Why should they? For that reason I have, while accepting this need for independent taxation and seeking to move for one option that was rejected at the time of the original proposition. I think that was P.119/2019 that brought in independent taxation. That option was transferrable allowances. One person mentioned this and it was mentioned in the report. But oh no, there are loads of people storming ahead saying we should have independent taxation. But in that report also very clearly was the statement that people with lower incomes ... a couple with lower incomes would be disadvantaged by independent taxation. So the compensatory allowance goes so far but only that far. I really have to say was this not compensatory ... sorry, the transferable allowance, and I notice my colleague Deputy Alves is nodding furiously because I do believe that she brought up this issue at the time, and there you go. We seem to be aligned on that score. I will be seeking to move for this to create more certainty, exactly this thing that the Minister for Social Security said was important for married couples, while accepting that, okay, maybe you have to have 2 pieces of paper rather than one now. Another thing that concerns me, and this is about Deputy Farnham's proposition, but indeed the original proposition on the subject of domestic abuse and on the subject of how certain kinds of administrative things can be abusive, was this creation of joint and several liability for couples except where they had opted for separate assessments. That in itself I would have thought would be capable abuse. If you did have a couple in a relationship and one person had a lot of money and the other did not, and yet that person who was wealthier just suddenly gads off somewhere and leaves the other person literally holding the baby in the bathwater, and liability for all their income, I do not think that actually works that well. I would have liked to have seen in this supposed move towards a wonderful world for women and stopping abuse, not having this. Proportionate liability would have been more appropriate I believe. But I was not here at the time that this was supported. But I do believe now is the time to look at this and say, yes, we probably could just make some refinements to make this work better, bearing in mind these things about respecting the rights of women and supporting women but also respecting that there is a community out there who are seriously worried about this compensatory allowance that will be there

for at least 10 years and no guarantee that it is going to be any further. I have some issues therefore with Deputy Farnham's proposition as amended, in addition to this concern, that by the wording it seems to suggest that for couples who have not opted for independent taxation before a certain date there is no capacity for change. If you had this ability to have transferrable allowances there would be that ability to adjust to changes that may happen in income in relationships as they move forward. I will leave it there, as I suspect people have heard enough of my voice. As I have already mentioned in an email to Members, I will be seeking to take forward transferrable allowances and having that discussion with the Minister for Treasury and Resources. I hope he forgives me for springing that particular issue on him at this moment in time.

11.1.5 Deputy H. Jeune of St. John, St. Lawrence and Trinity:

I am a woman and I am married, which means that the current married man taxation directly affects me, because I am seen as subordinate to my husband, however much I try to have an equal relationship with him. My manifesto that I was elected on was clear; it is time for positive politics. That is going well. It is time for more inclusive, diverse and equal society. Yet the current system is outdated and archaic in nature that treats wives, me, as a chattel, a personal object of my husband. Why? Because my hard-earned income - and it is definitely hard-earned - is considered part of my husband's income. I need his permission to be treated differently or even to discuss my financial affairs with the tax office. This is social control, maintaining the unequal power in relationships between women and men and reinforces women's subordinate status. It implies a paternalistic assumption that women might not be capable of filling out their own tax returns or that the administration of financial affairs is men's business. This is why some women in Jersey do not feel confident that they should know about their family's financial situation, to be part of the yearly ritual of the tax form filling out, because they have never been allowed to feel any different. As Deputy Scott highlighted, there is lots of anxiety around this. On the surface, these 2 proposals are attractive; they offer choice over compelling people into something with which they might not be comfortable with. However, is this really choice? Both amendments will undermine the fundamental principle of independent taxation. They would continue to treat married and unmarried couples differently. Going further, restricting independent tax, by several speakers, for the coercive control of women, offering a woman in this position a unilateral choice to opt for independent taxation on her own fails to understand the impacts of coercive relationships. As someone who has experienced abuse explained, money does not make you happy, but without money there is nowhere to go. That is why for me, economic and financial abuse is the greatest form of control. Achieving gender equality means eradicating all forms of discrimination against women and removing barriers that prevent women from being fully equal with men and realising their rights. This is what is underlying this vote today. I still do believe this. Ironically, the most diverse Assembly to date in Jersey could in fact, in supporting this proposition, be supporting the continuation of gender inequality. This was an email that I received recently from a concerned Islander, which sums up what I have just laid out: "I feel so strongly against Deputy Farnham's proposed amendment to the tax reforms. Every adult on the Island, in my opinion, should be taxed independently, irrespective of their marital status. I am fairly new to the Island, only having arrived here in 2017 with my husband. I took early retirement from teaching in order to come here. I cannot believe that in the first few weeks here I was sent a letter about my tax. When I went to the tax office to discuss its contents I was sent away as I did not have my husband's permission to discuss my tax status. I was extremely humiliated. I felt sorry for the young gentleman who was tasked with telling me this as he said that some people had been quite aggressive when told this and he was extremely apologetic. Having been married in 1998 in the U.K. I have never ever heard of a husband being responsible for his wife's taxes. My female friends in the U.K. and Ireland of a similar age, born in the 1960s and 1970s, simply could not believe that Jersey has such an archaic and misogynistic system and several said that if they had moved here without knowing this they would have left. In the first few months here I was asked by 2 married women, who are both professionals, what I thought of the tax system and they really let vent as to

how unfair they thought that was. A husband gets to know to the last penny how much his wife earns, but he does not have to disclose to her how much he earns. Surely this is a recipe for financial abuse. I am also aware of another professional woman here who chose not to get married before having children because she wanted to be taxed independently. Finally, how much is this amendment of Deputy Farnham's going to cost? Surely the money could be used more wisely." As the Minister for Home Affairs stated already, Deputy Mézec summed it up well in 2020 when the States Assembly voted for independent taxation and was quoted in national newspapers and, as we hear, international newspapers: "It is simply wrong that in the year 2020 our tax law erases the identity of married women." My identity.

[17:15]

This is stuff of mediaeval times, not the modern age. I Googled the international press we received when independent taxation was passed through the States in 2020 and the headlines are really telling. Most were shocked that Jersey still has institutional discrimination against women. What will be the headlines tomorrow if we decide to backtrack on this now? I will be disappointed to be part of an Assembly that does not take gender equality seriously. Talking about diversity and inclusion is cheap. Voting to keep a system that actively discriminates, goes against women, against international U.N. conventions and against progress is wrong. We will definitely not be the stable, modern, open, forward-thinking jurisdiction we claim to be. Therefore, I will be voting against this proposition.

Deputy M. Tadier:

Sir, I have a question or questions for the Attorney General, if that is okay?

The Deputy Bailiff:

Yes.

Deputy M. Tadier:

We have just heard from the previous speaker a statement that says a Jersey woman's income is considered her husband's income. Is that, first of all, legally correct?

The Attorney General:

Yes, that is correct.

Deputy M. Tadier:

The second question is: in this debate we are debating, effectively, 2 things. We are talking about the departure from married couples tax allowances on the one hand, which will be different under single person's tax allowances. It could be more or it could be less for any specific couple. Would it be possible if the Government wanted to and the Assembly wanted to maintain joint couples allowances to have a mechanism whereby the obligation for the male party in that relationship to file the tax return could be removed if we did not move towards uniformly independent taxation?

The Attorney General:

I believe the answer to that question is yes as well. It is similar to what Deputy Farnham was asking me earlier. While I am on my feet, it may help if I give the answers to Deputy Bailhache's questions as best I have been able to research them in the time available. In terms of Deputy Bailhache's first question, he asked me whether our tax legislation was an area where we had included or sought to include a reservation against the relevant provisions of the C.E.D.A.W. Convention. Yes, I confirm that is correct. As Deputy Helen Miles referred to in her speech, we have included reservations in relation to Article 13 of the convention. The way it is worded is quite interesting. The reservation is worded as follows: "The Bailiwick of Jersey reserves the right, notwithstanding the obligations undertaken in Article 13 or any other relevant article of the convention, to continue to apply income tax legislation pending proposed changes to these arrangements which deems for income tax

purposes the income of a married person living with their spouse in a year or part of a year of assessment to be the spouse's income and not that of the married person." The way that reservation is worded, it is a specific reservation in relation to Article 13 of the convention, but it is a more general reservation as regards any other relevant article of the convention. To me, the way that reservation has been worded, and appreciate that I have not had time to check with the officials concerned, is specifically in relation to Article 2 of the C.E.D.A.W. Convention. Article 2 is one of the fundamental articles of the convention, against which the commentary provides that it is not appropriate to include reservations, because they are provisions of Article 2, and along with Article 16 are fundamental provisions of the convention. Article 2(f) of the convention contains the obligation to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. In deciding whether or not we wanted to have the C.E.D.A.W. Convention extended to Jersey, which we did, we gave a commitment that we would amend our legislation to remove these sorts of distinctions. As I understand it, that commitment was given in a letter from Dominic Raab, the then Home Secretary or Lord Chancellor, to the U.N. Secretary General. A commitment was given by this jurisdiction to amend our legislation. Sir, apologies that this is a slightly long answer, but turning to Deputy Bailhache's second question, which I believe was whether if we did not amend this legislation and effectively required couples to opt for independent taxation then would that amount to discrimination contrary to this C.E.D.A.W. Convention. The best answer that I can give to that in the time available is that, firstly, we have given the commitment to amend our legislation. While I can find no objections to our reservation, in relation to Article 13, it is possible that the fact that there are no objections to our reservation is premised on the basis that we have undertaken to change our legislation. The second part of my answer to that second question is that if we did not amend our legislation I cannot be sure that the position whereby a couple would be effectively forced, if they wished to opt for independent taxation under the Income Tax Law, that may still fall foul of the fundamental obligation not to discriminate against women and to take all appropriate measures, including legislation, to modify or abolish our existing laws, to eliminate practices which constitute discrimination against women. It is a long answer, but (a) we have given a commitment as a jurisdiction to amend our legislation and (b) if we did not follow through on that commitment, I could not guarantee that another jurisdiction would not file an objection to our reservation and I could not say that there was no risk that our legislation would not be discriminatory against women in accordance with that commitment in Article 2(f) of the C.E.D.A.W. Convention. I am sorry it is a long answer, but I hope that has answered, as best I can, Deputy Bailhache's questions.

Deputy M.R. Scott:

If I could ask the Attorney General to clarify one matter. The undertaking to bring in this legislation, did it have an actual date by which it would be brought?

The Attorney General:

I do not believe it did, no.

Deputy M. Tadier:

Can I clarify with my original question? I apologise if the question was asked in a similar term earlier, while I was absent. I did not hear it. To clarify, if Government decided not to abolish joint assessments and joint allowances, it would still be possible for them to remove the discriminatory part of it by bringing back legislation saying that men no longer had an obligation to file joint tax returns in their wives names and on their wives' behalf and that the joint assessment could be done jointly or by either party?

The Attorney General:

To be clear, we do not currently have joint filing of tax returns. The position is governed in Article 121 of the Income Tax Law and the relevant definitions of spouse A and spouse B in Article 3 of the Income Tax Law. The default position, unless a couple opts for independent taxation, is that the wife's income is treated as that of the husband. In relation to Deputy Tadier's question, my preliminary view is that if some form of amendment were brought so that there was not discrimination on the basis of sex, so that it was presumed to be the husband's income, but there was a much more flexible position as regards whether it was either of the couple who filed the return or whose income gets assessed, then potentially that would meet the problem. That is an in principle answer. I am afraid the devil is in the detail in these sorts of things. I could not give a categorical assurance that that would solve all the problems.

Deputy M. Tadier:

Sorry, I do not want to go on, but not all marriages are between men and women. In same sex marriages there presumably exists a mechanism there which is nothing to do with sex discrimination, but simply to do with nominating A and B. I do not know if the Attorney General wants to comment on that.

The Attorney General:

I believe it is the elder of the couple who is presumed ...

Deputy I.J. Gorst:

I am grateful for the Attorney General's answer to Deputy Tadier's question about liability, but is it not the case that in order to ensure compliance an individual would need to be liable for the submission and also liable for any debt due? It is either a natural individual or a corporation.

The Attorney General:

Well here we are dealing with natural persons, not corporations. Yes, there are offences in the Income Tax Law for failure to file tax returns and for submitting a false return. There must be a liability, yes, I agree with the Minister.

Deputy L.J. Farnham:

I was simply going to state that this proposition seeks to ask the States to change the legislation to ensure there is a proper equitable joint return, whether that has joint and several liability or proportional liability is up to the legislation to provide, as discussed. There are countries that offer joint assessments that are party to the C.E.D.A.W. legislation. It appears that they have managed to do it. The Attorney General may need to deliberate overnight, but this whole proposition depends upon his advice on whether we can have a true joint tax return or true joint assessment without breaching the C.E.D.A.W. Convention.

The Deputy Bailiff:

Deputy Bailhache, do you have a question for the Attorney General? I know it is your turn to make a speech, but do you have a question in the first instance?

Deputy P.M. Bailhache:

Yes, may I ask something of the Attorney General?

The Deputy Bailiff:

Yes, of course.

[17:30]

Deputy P.M. Bailhache:

It is always difficult for an Attorney General faced with complicated questions on the floor of the Assembly to be expected to give a considered response in an extemporaneous way. I wonder if I could express my question in a slightly different way to the Attorney General and ask him to reflect overnight and give a considered response to the Assembly tomorrow morning. The question which I tried to put, perhaps rather inadequately, related to the draft legislation which has been lodged by the Minister for Treasury and Resources, which introduces as a matter of law a principle of independent taxation. As a corollary to that, there is a schedule, schedule 7, which allows people to elect for joint taxation if they wish to do so. At the moment, but perhaps the Attorney General will explain to me if I have this wrong, I find it really quite difficult to understand how giving a woman a right to elect to be taxed jointly with her husband can amount to discrimination under the convention against discrimination. I would be most grateful if the Attorney General would consider that in the context of the legislation which has been lodged and which we will debate in due course.

The Deputy Bailiff:

The adjournment is proposed. **[Seconded]** Does any Member wish to speak on the proposed adjournment? No. Accordingly, the Assembly will adjourn until tomorrow at 9.30 a.m.

ADJOURNMENT

[17:32]