

**THE STATES assembled on Tuesday,
6th July 2004 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present.**

All members were present with the exception of –

Senator Wendy Kinnard – out of the Island
Senator Paul Vincent Francis le Claire – out of the Island
Thomas John du Feu, Connétable of St. Peter– out of the Island
Jeremy Laurence Dorey, Deputy of St. Helier– ill
Francis Gerald Voisin, Deputy of St. Lawrence– out of the Island
Lyndon John Farnham, Deputy of St. Saviour– out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier– out of the Island

Prayers read by the Deputy Greffier of the States.

Welcome – His Excellency Mr. Mel Cappe, the Canadian High Commissioner

The Bailiff, on behalf of all members, welcomed His Excellency Mr. Mel Cappe, the Canadian High Commissioner, to the States.

M. Pierre Aguiton, former President of the Conseil Général de la Manche

The Bailiff informed members of the death of M. Pierre Aguiton, former President of the Conseil Général de la Manche, and that, with Senator Jean Amy Le Maistre, he would be travelling to France later in the day for the purpose of attending M. Aguiton's funeral.

Deputy of St. Mary– welcome back

The Bailiff, on behalf of all members, welcomed back to the States the Deputy of St. Mary following a period of illness.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Battle of Flowers (Jersey) Order 2004.	R&O 62/2004.
Gorey Fête (Jersey) Order 2004.	R&O 63/2004.
Road Traffic (Saint Lawrence) (Amendment No. 17) (Jersey) Order 2004.	R&O 64/2004.
Medicines (Prescription Only) (Amendment No. 6) (Jersey) Order 2004.	R&O 65/2004.

Misuse of Drugs (General Provisions) (Amendment No. 8) (Jersey) Order 2004.

R&O 66/2004.

Matters presented

The following matters were presented to the States –

Lord Portsea Gift Fund: report and account for 2003. <i>Presented by the Education, Sport and Culture Committee.</i>	R.C.32/2004.
Fiscal Strategy (P.106/2004) – amendments (P.106/2004 Amd.) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.106/2004. Amd.Com.
Fiscal Strategy (P.106/2004) – amendments (P.106/2004 Amd.) – comments. <i>Presented by the Employment and Social Security Committee.</i>	P.106/2004. Amd.Com.(2)
Composition and Election of the States Assembly (P.115/2004): comments. <i>Presented by the Privileges and Procedures Committee.</i>	P.115/2004. Com.
Composition and Election of the States Assembly (P.115/2004): comments. <i>Presented by the Policy and Resources Committee.</i>	P.115/2004. Com.(2)
Sale of Properties (P.119/2004): comments. <i>Presented by the Policy and Resources Committee.</i>	P.119/2004. Com.
Public and political access to economic models (P.121/2004): comments. <i>Presented by the Finance and Economics Committee.</i>	P.121/2004. Com.

THE STATES ordered that the said reports be printed and distributed.

Matters lodged

The following matters were lodged “au Greffe” –

An Alcohol Strategy for Jersey (P.110/2003): amendment. <i>Presented by Deputy G.W.J. de Faye of St. Helier.</i>	P.110/2003. Amd.
Draft The Law Society of Jersey Law 200- (P.154/2003): second amendments. <i>Presented by Deputy R.G. Le Hérisssier of St. Saviour, and referred to the Presented by the Legislation Committee.</i>	P.154/2003. Amd.(2)
Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200 (P.53/2004): second amendment. <i>Presented by the Finance and Economics Committee.</i>	P.53/2004. Amd.(2)
Sale of Properties (P.119/2004): amendment. <i>Presented by Deputy P.N. Troy of St. Brelade, and referred to the Housing Committee.</i>	P.119/2004. Amd.
Appointments Commission: re-appointment of member. <i>Presented by the Policy and Resources Committee.</i>	P.127/2004.
Draft Unlawful Public Entertainments (Jersey) Regulations 200-.	P.128/2004.

Presented by the Home Affairs Committee.

Draft Social Security (Amendment No. 14) (Jersey) Law 2000 (Appointed Day) Act 200-. P.129/2004.

Presented by the Employment and Social Security Committee.

Minimum Wage: proposed rates. P.130/2004.

Presented by the Employment and Social Security Committee.

Draft Employment (Minimum Wage) (Jersey) Regulations 200-. P.131/2004.

Presented by the Employment and Social Security Committee.

Draft Nursing and Residential Homes (Amendment No. 2) (Jersey) Law 200. P.132/2004.

Presented by the Health and Social Services Committee.

Fields 181, 182 and 183, St. Peter: restriction on development. P.133/2004.

Presented by the Deputy of St. Peter.

Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200: withdrawn

THE STATES granted leave to the Vice President of the Finance and Economics Committee to withdraw the draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200: amendment, (P.53/2004.Amd. lodged "au Greffe" on 8th June 2004), the Committee having lodged a revised amendment, (P.53/2004 Amd.(2)), at the present meeting.

Arrangement of public business for the next meeting on 20th July 2004

THE STATES, adopted a proposition of Senator Michael Edward Vibert that the proposition of the Deputy of St. Martin concerning the Composition and Election of the States Assembly, (P.115/2004 lodged "au Greffe" on 15th June 2004), be not considered on 20th July 2004.

Members present voted as follows –

POUR: 29

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert

Senator P.F.C. Ozouf

Senator E.P. Vibert
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville

CONTRE: 14

Senator R.J. Shenton
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy C.J. Scott-Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy P.J. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter

ABSTAIN: 0

Connétable of St. John
 Deputy A. Breckon (S)
 Deputy of St. John
 Deputy T.J. Le Main (H)
 Deputy G.C.L. Baudains (C)
 Deputy J.A. Bernstein (B)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy J.A. Hilton (H)
 Deputy G.W.J de Faye (H)

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 20th July 2004 –

An Alcohol Strategy for Jersey. Lodged: 15th July 2003. <i>Health and Social Services Committee.</i>	P.110/2003.
An Alcohol Strategy for Jersey (P.110/2003): comments. Presented: 9th September 2003. <i>Finance and Economics Committee.</i>	P.110/2003. Com.
An Alcohol Strategy for Jersey (P.110/2003): amendment. Lodged: 6th July 2004. <i>Deputy G.W.J. de Faye of St. Helier.</i>	P.110/2003. Amd.
Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200. Lodged: 6th April 2004. <i>Finance and Economics Committee.</i>	P.53/2004.
Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200 (P.53/2004): second amendment. Lodged: 6th July 2004. <i>Finance and Economics Committee.</i>	P.53/2004. Amd.(2)
Draft Act annulling the Island Planning (Designation of Sites of Special Interest) (No. 9) (Jersey) Order 2004. Lodged: 1st June 2004. <i>Deputy L.J. Farnham of St. Saviour.</i>	P.109/2004.
Mr. William Richmond-Pickering: acceptance of bequest and establishment of Rivington Travelling scholarship. Lodged: 22nd June 2004. <i>Education, Sport and Culture Committee.</i>	P.117/2004.
Sale of properties. Lodged: 22nd June 2004. <i>Housing Committee.</i>	P.119/2004.
Sale of Properties (P.119/2004): comments. Presented: 7th July 2004. <i>Policy and Resources Committee.</i>	P.119/2004. Com.
Sale of Properties (P.119/2004): amendment.	P.119/2004.

Lodged: 6th July 2004. <i>Deputy P.N. Troy of St. Brelade.</i>	Amd.
Draft Jersey Association for Mental Health and Jersey Schizophrenia Fellowship (Integration with Jersey Focus on Mental Health) (Jersey) Law 2003 (Appointed Day) Act 200-. Lodged: 22nd June 2004. <i>Health and Social Services Committee.</i>	P.120/2004.
St. Clement's Primary School: approval of drawings. Lodged: 29th June 2004. <i>Education, Sport and Culture Committee.</i>	P.125/2004.
Court and Case Costs: investigation by Legal Budgets Limited. Lodged: 29th June 2004. <i>Deputy A. Breckon of St. Saviour.</i>	P.126/2004.
Appointments Commission: re-appointment of member. Lodged: 6th July 2004. <i>Policy and Resources Committee.</i>	P.127/2004.
Draft Social Security (Amendment No. 14) (Jersey) Law 2000 (Appointed Day) Act 200-. Lodged: 6th July 2004. <i>Employment and Social Security Committee.</i>	P.129/2004.
Minimum Wage: proposed rates. Lodged: 6th July 2004. <i>Employment and Social Security Committee.</i>	P.130/2004.
Draft Employment (Minimum Wage) (Jersey) Regulations 200-. Lodged: 6th July 2004. <i>Employment and Social Security Committee.</i>	P.131/2004.
Draft Nursing and Residential Homes (Amendment No. 2) (Jersey) Law 200. Lodged: 6th July 2004. <i>Health and Social Services Committee.</i>	P.132/2004.

Draft Regulation of Investigatory Powers (Jersey) Law 200- (P.89/2003) – withdrawn

THE STATES noted that, in pursuance of Standing Order 17(6), the following matter lodged “au Greffe” was deemed to have been withdrawn –

Draft Regulation of Investigatory Powers (Jersey) Law 200-. Lodged: 24th June 2003. <i>Home Affairs Committee.</i>	P.89/2003.
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Termination of pregnancy – questions and answers

The Deputy of Trinity tabled the following written questions of Senator Stuart Syvret, President of the Health and Social Services Committee –

- “1. Following recent concern in the U.K. concerning the case of a 14 year old girl who had an abortion arranged by a 21 year old school health worker without the consent of her mother, would the President

inform members whether children in Jersey are being given abortions and related advice and treatment without parental consent or knowledge, and, if so –

- (a) is it legal in Jersey to do so without the parents' knowledge or consent?
 - (b) what are the relevant age restrictions?
 - (c) what counselling is given before and after the abortion?
 - (d) what guidelines exist?
 - (e) what steps are taken to investigate and submit relevant evidence to the Attorney General for possible prosecution of the person who has unlawfully impregnated the under-age girl? and,
 - (f) what statistics are kept and are these publicly available?
2. Is the Committee satisfied that the activities of the Brook Advisory Centre, the General Hospital, the family planning clinics at the Le Bas Centre and general practitioners comply with Jersey law particularly in relation to the issue of the morning-after pill to children under the age of 16, (Levonelle-2), or other abortion-inducing drugs, (such as RU486), or other forms of contraception, abortion, medical advice and treatment in connection with under-age sexual intercourse? In particular, is the strong drug Levonelle-2 considered to be contraceptive or abortifacient, and is the Brook Advisory Centre able to give it lawfully to children under 16?"

The President of the Health and Social Services Committee tabled the following written answers –

- “1. Young women under the age of 16 are given termination related advice and treatment in accordance with the Termination of Pregnancy (Jersey) Law 1997. Since the introduction of this Law, 32 procedures have been carried out on young women under the age of 16 and of these 4 have been without parental consent or knowledge. These young women had an adult to care for them and all were over the age of 14 years.
- (a) It is legal under the current law provided that the girl demonstrates ‘Gillick-competence’ – as outlined in the Fraser Guideline.
 - (b) There are no age restrictions, if the girl is competent and able to understand the implications of the procedure – in other words, is ‘Gillick-competent’, as outlined above. No termination has been carried out in Jersey on young women under the age of 14 years since 1997 when the Termination of Pregnancy (Jersey) Law 1997 came into force.
 - (c) Article 3 of the Termination of Pregnancy (Jersey) Law 1997 states that the medical practitioner must provide written information about the counselling services available. (This is not a pre-requisite in the U.K.)

All women attending for termination are offered the opportunity to see a counsellor at the outpatients clinic, and are offered counselling after the (termination) surgery if they so wish. For young women under the age of 16 counselling is mandatory.

The following information is provided as outlined in the Termination of Pregnancy (Jersey) Law 1997 –
at the first consultation all women are given written information concerning –

- (i) the statutory rights and entitlements of, and benefits available to, families, mothers and children;
- (ii) the counselling services available to a pregnant woman wishing to have a termination,

- (iii) the opportunities for adoption for the child, if born, and
- (iv) the names and addresses of approved places; and
- (v) if following the first consultation, the pregnant woman still wishes to have a termination she must, not less than seven days after that consultation, consult an approved registered medical practitioner who is authorized to carry out terminations ('the second consultation').

This pre-decision process provides the woman with a higher standard of care than that available in the U.K.

All women are given the telephone number of the counsellor to take home with them to enable them to access counselling if they need it.

In addition, all young women under the age of 16 are seen by a Consultant Child and Adolescent Psychiatrist.

- (d) All practitioners have a copy of the Termination of Pregnancy (Jersey) Law 1997. British Medical Association (BMA) and General Medical Council (GMC) guidelines exist for all medical practitioners and these guidelines include the Fraser Guidelines which are specific to this issue and cover 'Gillick Competence'. As per 'Gillick Competence' when consulted by a minor requesting abortion, or any other procedure, the Doctor will

consider whether the young woman understands the potential risks and possible longer term effects of the proposed termination / treatment;

consider whether the young woman has sufficient maturity and competence to make this decision and give a valid consent;

make every attempt to encourage the young woman to discuss her situation with her parents but provide reassurance that confidentiality will be maintained. The importance of support before and after the termination is discussed.

- (e) Issues related to child welfare, and unlawful intercourse are referred to the Child Protection Officer who will follow the appropriate process with regard to involving other agencies such as the police.
- (f) Article Nine of the Termination of Pregnancy (Jersey) Law 1997 states that 'the Medical Officer of Health shall lay before the States, every calendar year, a report upon the operation of this Law in the preceding calendar year which shall include such information as may be prescribed'.

All statistics are kept by Health and Social Services and are forwarded to the Medical Officer of Health. These include the following details: age, marital status, previous pregnancies, residential status, and gestation of pregnancy.

- 2. All relevant agencies and practitioners comply with the Termination of Pregnancy (Jersey) Law 1997. In relation to the 'morning after' pill, if the young woman demonstrates 'Gillick competence', emergency contraception (for example, Levonelle – 2) is prescribed.

If a girl is presenting with a request for emergency contraception appropriate advice is given on all aspects of sexual health. Levonelle – 2 is regarded as contraceptive rather than abortifacient as it is taken usually within 72 hours of unprotected intercourse – in other words, before implantation has occurred.

Abortive inducing drugs such as RU486 are not prescribed as a method of emergency contraception. This would only be given as part of a medical termination and these are rarely offered in Jersey and only under the certification as outlined in the Termination of Pregnancy (Jersey) Law 1997."

Matters relating to sex education – questions and answers

The Deputy of Trinity tabled the following written questions of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee –

- “1. Is sex education in our schools (and other agencies such as the Brook Advisory Centre which are supported by the States) aimed at teaching pupils to delay sexual relations until attaining the age of consent (or, preferably, until marriage) or does it seek to undermine the law and their childhood, and endanger their sexual health, by promoting “safe sex” albeit under-age?”
2. Is it considered that the above matters serve to promote under-age sexual intercourse and encourage teenage pregnancy and the significant increase in sexually transmitted diseases that is being witnessed?”

The President of the Education, Sport and Culture Committee tabled the following written answers –

- “1. The main objective of sex and relationship education in our schools is to help and support young people through their physical, emotional and moral development.

At an appropriate age, pupils are taught to understand human sexuality, to appreciate the value of stable relationships, to learn the reasons for delaying sexual activity and to recognise the benefits to be gained from such delay.

As part of the programme, secondary pupils are given advice on matters relating to sexual health and factual information about safer sex. To encourage responsible behaviour, they are also made aware of the law in relation to sexual activity and informed about locally available confidential services.

2. Effective sex and relationship education does not encourage early sexual experimentation. It helps young people to acquire and develop the knowledge, skills and understanding they need to deal with the many different and often conflicting pressures they face today. Given the problems associated with teenage pregnancy and the reported increase in sexually transmitted diseases, it is appropriate for secondary schools to provide education about contraception.”

Nursery and child care provision – question and answer

Deputy Roy George Le Hérisser of St. Saviour tabled the following written question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee–

“Would the President state what impact the provision, by the Committee, of early nursery education is having upon other child care provision? What policies are in place to ensure that the total availability of such provision is not seriously jeopardised?”

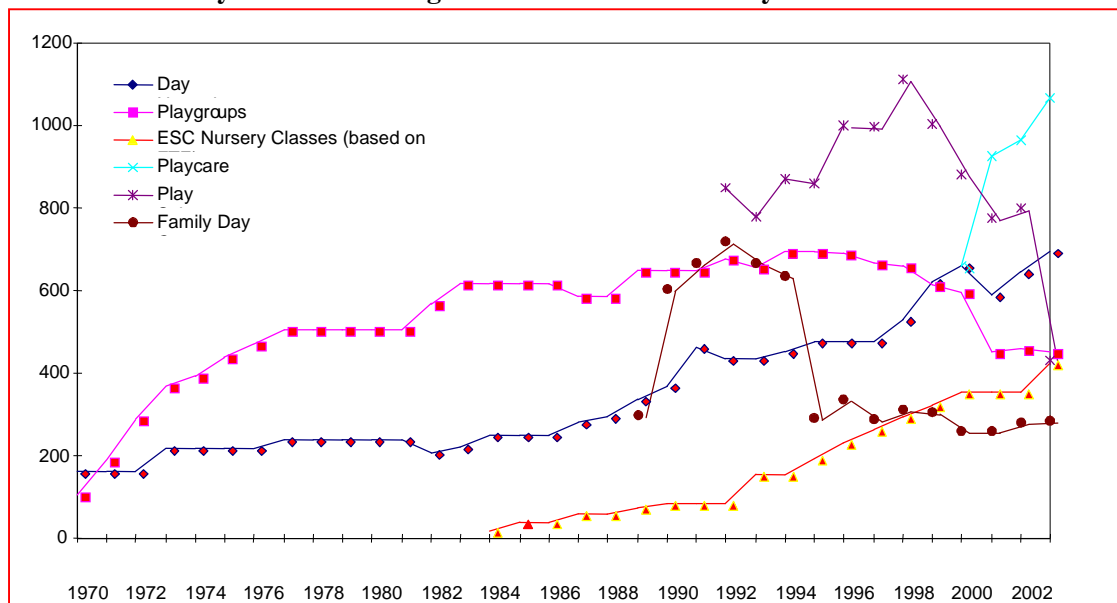
The President of the Education, Sport and Culture Committee tabled the following written answer –

“1. Range of child care provision

There is a complex and interconnected range of provision for child care in Jersey, as illustrated by the following graph which profiles the number of places within States’ provided schools (nursery classes) and the various classifications of registered providers.

Nursery classes in provided schools offer full and part time places for children aged 3+. They are staffed by a qualified nursery teacher and nursery officers. Wrap-round care after school and during the holidays is an option that is being piloted at Janvrin School from September 2004 in partnership with Centrepoint Trust.

Profile of Nursery Classes and Registered Childcare in Jersey



1.2 The classification of providers, for purposes of registration under the Children’s (Jersey) Law 1969, Part VII, are as follows –

Day Nurseries – provide full day care for children of a wide age range, which may include babies. Hours of opening usually accommodate the needs of working parents and a lunch and snack service is provided. Many establishments offer an all year round service from Monday to Friday, closing only on Bank Holidays and for short periods at Christmas and Easter.

Playgroups – offer sessional care for a period of no more than five hours. Children attend playgroup between the ages of two and five years. Playgroups may refer to themselves as nurseries, nursery schools, kindergartens or playgroups. Some groups follow school times of opening whereas others are open all year round.

Playcare – provides for children from school entry up to the age of twelve years to meet the needs of working parents before and after school and during the school holidays. Playcare may occur in a variety of settings, such as school premises, day nurseries, children’s centres, community centres or church halls. The hours of opening vary in accordance with the type of service offered. This may be breakfast club, a before and after school facility, a school holiday club or a combination of these services. Some playcare services include a homework club.

Play Schemes – provide playcare during the Easter and Summer school holidays for children age 5 to 11+ years. They are based in schools across the Island and can accommodate up to 480 children. Parents pay a means tested fee for their children to attend with approximately 10% of children offered places at no cost.

The children are offered a wide range of activities including sports, art and craft, visits to the beaches, parks and quiet activities and games.

Family Day Care – offers care to children in the family day carer’s own home.

A maximum of 6 children under the age of 14 may be cared for at any one time of which no more than three may be under the age of five years.

2. Trends in child care provision

While various interpretations may be drawn from the data, certain significant trends are apparent –

- (a) the growth in nursery places in provided schools gives continued effect to the former Education Committee's policy^[1], agreed in October 1989, to provide nursery classes at each of its provided primary schools. Nursery classes are now provided or planned at the following schools –

	No. of places	Opened
Bel Royal	30	2002
First Tower	40	1996
Grands Vaux	30	1985
Grouville	30	2000
Janvrin	30	(from September 2004)
La Moye	30	2003
d'Auvergne	30	(from September 2005)
Le Squez	30	1998
Mont Nicolle	30	2003
Plat Douet	30	1998
Rouge Bouillon	30	1985
St. Clement	30	(from September 2006)
St. John	30	1997
St. Lawrence	30	1991
St. Mark	25	1989
St. Martin	30	1992
St. Saviour	30	1993
	<u>30</u>	
	510	

- (b) the majority of these nursery classes have been developed in conjunction with the redevelopment or refurbishment of primary schools through the Committee's capital development programme;
- (c) the increase in the number of places available in the Committee's nursery classes has been matched by a proportionate increase in the number of places available in Day Nurseries, the majority which are privately provided. Others are operated by not for profit organisations or, in the cases of Avranche and Westmount Nurseries, supported by the Parish of St. Helier;
- (d) there has, following a period of consistent growth up to the mid 1990's, been a subsequent decline in the number of Playgroups, which is unlikely to be attributable to the increased number of places available in States' nursery classes, although it may be effected by the increased number of places in day nurseries as a consequence of the variety of provision made by that sector;
- (e) following an increase in the number of registered places available from 1989-1995, the availability of Family Daycare places has remained stable, although demand for these places reduced significantly in 2003;
- (f) the number of Playcare places has increased significantly in the last four years, following the requirement to register, while, following a peak in 1997, the number of places in Play Schemes has declined.
- 2.2 It can be argued that, due to the complexity of provision, it is difficult to isolate one factor, such as the impact of the Committee's provision for nursery education, on other particular forms of provision. However, it is reasonable to assume that the increase in the number of places for children aged 3½ in the

Committee's nursery classes from 30 places in 1985 to 510 places in 2003 has had an impact on the nature and distribution of other provision, particularly at a time when demographical change is also impacting on the number of children for whom placement is sought.

3. Review of the Committee's investment in Early Years provision

- 3.1 The Committee is concerned to ensure high quality early years' provision, not least because of the beneficial impact which this has on individuals' throughout their lifetimes (see Appendix). The Committee considers it to be essential that the needs of the child in terms of personal, social and educational development is held to be paramount although meeting the needs of parents and other carers must also be given careful consideration.
- 3.2 The Education, Sport and Culture Committee acts as the political sponsor for the Jersey Child Care Trust. The Trust, which was established in 1997, following the adoption by the States of a proposition by the Education Committee (P.244/1996)^[2], is charged to co-ordinate, promote and facilitate expansion of child care provision in the Island. The achievements of the Trust towards realising its purpose and, in particular, the ambitious programme which was approved by the States in October 2001^[3], have been charted in its annual reports and a recently published report on progress towards the achievement of aims and objectives detailed in its Strategic Plan.
- 3.3 However, the Education, Sport and Culture Committee, recognising the complexity of early years provision, its significance and cost, has initiated a comprehensive review of its investment in this area. The terms of reference for the review are –

“To undertake a mid-term review of the Jersey Child Care Trust Five Year Strategy, and the funding, responsibilities and purposes of the Trust in relation to the overall strategy for early years and childcare in Jersey and to make recommendations to the Education, Sport and Culture Committee with regard to –

the need for an overall strategy based on integrated working to support children and families;

creating clarity and focus regarding the roles and responsibilities of different departments and organisations in developing the strategy and achieving its aims.”

- 3.4 The review is well advanced and it is planned that the Committee will receive the report and its recommendations on 20th July. On that date, it will also be presented to the Partnership Group for Early Years Care and Education, which includes representatives from Private Sector providers, Departments for Employment and Social Security, and Education, Sport and Culture and parents' representatives nominated by Jersey Child Care Trust.
- 3.5 The Committee considered it to be essential that the review be undertaken by an independent practitioner and it is being led by Jenny Spratt, who is responsible for nursery education and care in Peterborough, which is recognised for excellence in early years' provision through its status as a “Beacon Authority”. We are confident that the report will offer clear advice to the Committee in order that it might consider and determine its future policy in respect of this important area of activity.

The Effective Provision of Pre-School Education (EPPE) Project*

The Institute of Education, University of London, University of Oxford and Birbeck College, University of London have recently completed the first major European Longitudinal study of a national sample of young children's intellectual, social and behavioural development between the ages of 3 and 7. In addition to investigating the effects of pre-school provision on young children's development EPPE explores the characteristics of effective practice and has demonstrated the positive effects of high quality provision on children's development.

Key findings

Impact of attending a pre-school centre –

- (a) Pre-school experience, compared to none, enhances children's development.
- (b) The duration of attendance is important with an earlier start being related to better intellectual development and improved independence, concentration and sociability.
- (c) Full time attendance led to no better gains for children than part-time provision.
- (d) Disadvantaged children in particular can benefit significantly from good quality pre-school experiences, especially if they attend centres that cater for a mixture of children from different social backgrounds.

The quality and practices in pre-school centres –

- (a) The quality of pre-school centres is directly related to better intellectual/cognitive and social/behavioural development in children.
- (b) Good quality can be found across all types of early years settings. However quality was higher overall in integrated settings, nursery schools and nursery classes.
- (c) Settings which have staff with higher qualifications, especially with good proportion of trained teachers on the staff, show higher quality and their children make more progress.

Where settings view educational and social development as complementary and equal in importance, children make better all round progress.

- (d) Effective pedagogy includes interaction traditionally associated with the term "teacher", the provision of instructive learning environments and 'sustained shared thinking' to extend children's learning.

* *The full text of the EPPE Report is available from the States of Jersey Department for Education, Sport and Culture – contact Mrs. Y. Thebault 509426.*

Complaints procedures – questions and answers

Deputy Roy George Le Hérisser of St. Saviour tabled the following written questions of Senator Stuart Syvret, President of the Health and Social Services Committee –

- “1. What is the policy for dealing with formal complaints in respect of the Committee’s services?
2. What time limits are placed upon the investigation and resolution of such complaints?”

The President of the Health and Social Services Committee tabled the following written answers –

- “1. The policy for dealing with complaints is –

Health and Social Services policy entitled ‘Service User Comment and Complaint Policy and Procedure’.

This is a comprehensive policy which provides guidance on roles and responsibilities to Health and Social Services employees in regard to the complaints pathway. Its aims are –

- (i) To ensure easier and simple patient access to the complaints pathway. (A patient information leaflet is available to be used as an adjunct to the policy.)
- (ii) To ensure that complaints processes are fair, impartial and consistent throughout the organisation.
- (iii) To ensure that complaints are resolved quickly.
- (iv) To ensure that effective improvements can be made within the organisation in response to the outcomes (or ‘lessons learnt’) of complaints.

2. The time limits will depend on the nature of the complaint, that is –

Verbal complaints must be dealt with either on the spot or within two working days.

Written complaints require an acknowledgement of receipt within two working days. Health and Social Services will then endeavour to provide the complainant with a full formal written response within 20 working days.

If a complainant is dissatisfied with the response, he/she may write to the Directorate Manager to request a review. This request will be acknowledged within two working days of receipt. The Chief Executive and a nominated member of the Health and Social Services Committee will review the complaint and provide the complainant with a formal written response within two months.”

Implementation of the recommendations of the 2001 HMI of Prisons’ report and the Young Offenders Institution rules and Prison rules – question and answer (Tape No. 932)

Deputy Jennifer-Anne Bridge of St. Helier tabled the following written question of the Connétable of St. Ouer Vice-President of the Home Affairs Committee –

“Would the Vice-President outline progress to date –

- (a) on the recommendations that arose from the Report of Her Majesty's Chief Inspector of Prisons 2001. To what extent is the implementation of these recommendations on target?
- (b) on the implementation of the Young Offenders Institution rules and Prison rules identifying the proposed timetable for implementation?”

The Vice-President of the Home Affairs Committee tabled the following written answer –

- “(a) Her Majesty’s Chief Inspector of Prisons made 147 recommendations in the 2001 inspection report. When the previous Prison Governor left his post at the end of May, he had addressed 122 of the recommendations although action on some is ongoing. There are a further 10 recommendations that are specific to the Women’s Wing; these have been addressed in the new Women’s Wing, construction of which will commence in 2005. The Home Affairs Committee is therefore satisfied with the progress that has been made on implementing the Inspection Report recommendations. The new Prison Governor takes up his post on the 2nd August 2004. The Committee will be asking him to audit the implementation plan at an early stage and provide a revised implementation plan for those actions that are either ongoing or outstanding.
- (b) Implementation of the Young Offenders’ Institution Rules and Prison Rules has been delayed pending the receipt of advice from H.M. Attorney General on the question of whether to appoint an Adjudicator to replace the Prison Board of Visitors to adjudicate on matters concerning the discipline of prisoners, in particular where the loss of remission is concerned. Once this issue has been resolved, the Rules can be brought into effect.”

Constitution of the Assemblée Parlementaire de la Francophonie – question and answer

The Deputy of St. John tabled the following written question of the Connétable of St. Ouen, President of the Assemblée Parlementaire de la Francophonie –

“The Assemblée Parlementaire de la Francophonie is currently a cross section of French speaking States members. Would the President confirm that this arrangement will not change in any way under the ministerial government? If not would he give details of the changes that are envisaged?”

The President of the Assemblée Parlementaire de la Francophonie tabled the following written answer –

“I am happy to give the Deputy the reassurance he is seeking about the future of the Jersey Branch of the Assemblée Parlementaire de la Francophonie (APF).

The APF is very much a ‘parliamentary’ organisation as its name implies and it is important that, under the ministerial system, it remains representative of the Assembly as a whole and does not simply become part of the Executive arm of government. In Parliaments around the world where there is a government and opposition system it is, of course, traditional for Branches of international parliamentary bodies such as the APF or the Commonwealth Parliamentary Association to include representatives from all parties, and delegations to conferences are selected to reflect this balance.

As the Deputy points out in his question the Jersey Branch of the APF currently includes a cross section of members, with the Executive Committee appointed by the States after each election. I see no reason why this should change under the new system of government. Although it is important for members involved in the APF to have a working knowledge of French I trust that in the future the Executive Committee will include some Ministers and/or Assistant Ministers as well as members involved in scrutiny and other ‘backbench’ members.

Members will be aware of moves to improve the co-ordination of links with France as set out in the recent report of the Working Party looking into this matter. I believe that the value of the APF as a way of promoting Jersey’s interests on the international stage has possibly been underestimated by some in the past. It is worth pointing out that Jersey can be represented at APF conferences alongside delegates from France, Canada, Switzerland, Belgium and many other European and African countries and I am sure this is very valuable as Jersey develops its own position on the international stage.

I am hopeful that the role of the APF can be enhanced through greater co-ordination of all Jersey’s links with France (and other French speaking countries) so that the overall benefit to the Island of the work of the APF,

the Commission Amicale and the proposed Groupe d'Etudes with the French National Assembly and Senate can be maximised.”

Oral questions

Deputy Geoffrey Peter Southern of St. Helier asked the following question of the President of the President of the Policy and Resources Committee –

“Will the President inform members of the ratio between manual workers and civil servants employed in the public sector in the following categories –

overall totals;
posts to be shed in the visioning project over the next five years; and
posts to be lost as a result of the 2005 FSR process”.

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked the following question of the President of the Environment and Public Services Committee –

“Will the President advise when work is due to start on Field 40 and the ‘Hodge 2 sites in St. Clement and will he also advise when the Committee intends issuing revised figures for the estimated number of homes required to be supplied?”

The Deputy of St. John asked the following question of the President of the Policy and Resources Committee –

“Would the President advise whether the Committee intends to take action to prevent the flying of flags other than the Jersey flag or the Union flag from the flag pole on the old Harbour Office, which is under the administration of the Waterfront Enterprise Board Limited?”

Deputy Geoffrey Peter Southern of St. Helier asked the following question of the President of the Education, Sport and Culture Committee –

“Is the Committee aware of any acoustic and soundproofing problems associated with the new Hautlieu classrooms, and, if so, will he inform members –

how much was saved on building costs by reducing standards on sound insulation and ceilings, if any? and,

what measures are proposed, if any, and at what current cost, to remedy any such problems?”

Deputy Roy George Le Hérissier asked the following question of the President of the Policy and Resources Committee –

“Would the President confirm whether the Property Study, which it has recently commissioned, will deal comprehensively with the issue of disabled access to all States’ buildings?”

Deputy Roy George Le Hérissier of St. Saviour asked the following question of the President of the Environment and Public Services Committee –

“Would the President outline when it is intended to split the current Environment and Public Services Committee in line with the proposition, (P.70/2002), which established the current structure?”

The Deputy of St. John asked the following question of the President of the Policy and Resources Committee –

“Does the Committee intend to implement the recommendations of the recent Working Party report in relation to the Commission Amicale and, if so, what role will be played by the Bailiff and backbench members in the new arrangements, and what action is the Committee taking to put in place officers fluent in French to administer the Commission?”

The Deputy of St. John asked the following question of Deputy Patrick John Ryan of St. Helier, rapporteur for the Economic Development Committee –

“Could members be given details on expenses in the JCRA audit report (R.C.31/2004) –

26.9.03	£700 for 10 persons at IOD Dinner
04.12.03	£689 for 14 persons drinks and meals
Jan/Feb 03	£810 for two Eurostar journeys
13.1.03	£3,125 for distance learning
3.9.03	£3,125 for distance learning

and give members details of the number of employees within the JCRA?”

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked the following question of the President of the Environment and Public Services Committee –

“During the election for President, Senator Ozouf assured members that he would review the Committee’s policies and report back within 100 days. Some 125 days have now passed since his election. Would the President advise where the document containing this work can be found and would he further advise whether it includes solutions for members’ parking?”

Draft Regulatory of Investigatory Powers (Jersey) Law 200- (P.89/2003): withdrawal – statement

The Vice-President of the Home Affairs Committee made a statement in the following terms –

“Following a period of consultation with both the public and private sector towards the end of 2003, the Home Affairs Committee decided at its meeting on 19th February 2004, to de-couple Part 4 of the draft Law. This part of the draft Law dealt with the investigation of electronic data protected by encryption and it was clear from the consultation process that the Committee should not proceed with this part of the Law until such time as the implications of bringing such a provision into force had been properly assessed. This has enabled Parts 1-3 of the Law to be progressed separately. The Committee also noted that Part 4 of the United Kingdom legislation pertaining to electronic data protected by encryption had yet to be enacted and there was little evidence to suggest that this would occur in the near future.

The Committee received a revised draft of the Law at its meeting on 28th May 2004 and has re-circulated this to several States Committees and other interested parties for comment prior to lodging. The Committee had hoped to withdraw the previous draft Law and lodge the new one on the same day, but that could not be achieved in the time available. I would therefore request that the draft Regulation of Investigatory Powers (Jersey) Law 200- be formally withdrawn today with a view to the replacement draft being lodged for debate in September 2004.”

Work of the Shadow Scrutiny Panels – statement

Senator Edward Philip Vibert, one of the Chairmen of the Shadow Scrutiny Panels made a statement in the following terms –

“On Thursday of this week, the Shadow Scrutiny Panel, which I chair, will be holding its first public hearing, starting a new era of public scrutiny approved by this Assembly last year as part of the reforms of the

machinery of Government.

The Shadow Scrutiny Panel will be taking evidence in public from a variety of witnesses regarding the Agri-Environment scheme, which was approved by the States in July 2002 and for which £700,000 was approved, but which subsequently was removed from funding during the Fundamental Spending Review.

The Panel has received submissions from a variety of individuals and organisations questioning how this was allowed to happen and the likely consequences to the Jersey environment as a result of the scheme not going forward.

The Shadow Scrutiny Panel, which I chair, is also reviewing the proposed new Water Law for Jersey and public hearings on this matter will be held commencing on 19th July 2004.

This Inquiry will focus on the necessity of the Law, the cost implications and the legal conflict between land-owners right of ownership of what is below the ground and the need for clarity regarding the legal rights over water beneath their ground.

Two further subjects are being reviewed by my Panel – the proposal by the Harbours and Airport Committee relating to the operations of St. Helier Harbour and the deliberations of the Environment and Public Services Committee regarding the disposal of Jersey's waste through incineration and the replacement of the Bellozanne Incinerator at a likely cost of over £80,000,000.

With respect to the waste disposal subject, my Panel viewed with some alarm the story in the Jersey Evening Post last week in which the President of the Environment and Public Services Committee voiced his concerns that he wished a decision by the States on this matter within four months.

The President is aware that my Panel has been waiting for two months for the Environment and Public Services Committee's evidence to support its proposed strategy, which was only received yesterday. There is a massive amount of conflicting evidence regarding the disposal of Jersey's waste and the best way of achieving it. It is clear that my Scrutiny Panel will not be able to begin the public hearings on this until after the summer break, sometime in September.

It is important that I point out to the Assembly that, when proposing the scrutiny proposals, the then President of the Policy and Resources Committee accepted that there might be times when it would be necessary to delay decision-making until after the Scrutiny Panel had completed its work. We believe this is one such occasion.

My Scrutiny Panel is very conscious of the need for this matter to be dealt with as quickly as possible, due to the condition of the current incinerator. But we are also conscious of the fact that decisions that need to be made in this respect are very far-reaching in terms of the environment as well as being an enormous financial burden on the taxpayer and the proposals require diligent and rigorous examination by the Panel.

Because of this, I have to inform the Assembly that the view of my Shadow Scrutiny Panel is that we will not be rushed on this matter to meet a deadline of the Committee President, even though we accept his view that the matter is of the utmost urgency.

Members of the public are most welcome to attend the hearings of the Shadow Scrutiny Panel which will commence in the Scrutiny Room, in this building, immediately after the election of Jurat has been completed. Members of this Assembly are also welcome to view proceedings.

Once scrutiny of the four subjects outlined in this statement has been completed, hopefully by late November, my Panel will commence work on more subjects. Two that have been proposed for consideration are the problems of nursery school places in the Island and the need to institute price control on first-time buyer homes. We welcome any suggestions from States members of any other subject they believe merit attention by the Scrutiny Panel."

Change in Presidency

The Bailiff retired from the Chair prior to the consideration of the proposition concerning Taxation policies: a transparent enquiry, (P.41/2004 lodged “au Greffe” on 9th March 2004), and the meeting continued under the presidency of the Deputy Bailiff, Michael Cameron St. John Birt Esquire.

Taxation policies: a transparent enquiry – P.41/2004

Comments

THE STATES commenced consideration of a proposition of Senator Stuart Syvret concerning Taxation policies: a transparent enquiry, (P.41/2004 lodged “au Greffe” on 9th March 2004), and, following discussion, the Deputy of St. John, in accordance with a decision of the States on 26th May 2004, proposed that the question be now put. The President ruled that the proposition of the Deputy of St. John was an infringement of the rights of the minority, and the proposition was disallowed.

THE STATES rejected the proposition of Senator Stuart Syvret concerning Taxation policies: a transparent enquiry, requesting that, before the States be asked to consider the taxation proposals of the Finance and Economics Committee, the Finance and Economics Committee be required, in co-operation with other Committees of the States and States members, to undertake a transparent enquiry into the taxation policies of the Island, and specifically –

- (a) to commission and make available to all States members an independent risk assessment of the Committee’s tax proposals with particular reference, but not limited to, the likely acceptability of the proposed rate of 0% corporation tax to the European Union and the OECD over the medium and long term;
- (b) in co-operation with other Committees of the States to investigate and report upon the likely social and economic impacts of the taxation proposals contained in the Finance and Economics Committee document “Facing up to the Future”, with particular reference, but not limited to, the effects upon –
 - (i) individuals and families across both income and wealth spectrums,
 - (ii) the cost of living in the Island,
 - (iii) the labour market and employment trends,
 - (iv) local businesses,
 - (v) population trends,
 - (vi) States’ income,
 - (vii) the provision of services by the States, and the likely future role of ‘user pays charges’;
- (c) produce and publish a strategic analysis of the risks, effects, opportunities and economic alternatives faced by the Island in a potential post-financial services industry future, such analysis to include positive strategic proposals for the community should such an outcome occur;
- (d) to produce and make available to all States members a list of all reports, advisory notes and analysis produced either in whole or in part at public expense, concerning taxation and economic issues during the last 10 years;
- (e) to produce and publish a plain English description of all tax planning/avoidance mechanisms and devices available under the present taxation regime, such description to include, as far as possible, an estimate of

the tax foregone;

- (f) to produce and publish a plain English description of all tax planning/avoidance mechanisms and devices that might be available under the proposed regime, such description to include, as far as possible, an estimate of the tax potentially foregone;
- (g) to produce and publish a detailed examination of the opportunities for applying wealth taxes, including, but not limited to, capital gains tax;
- (h) to produce and publish a detailed analysis of the fiscal impacts and opportunities presented by the Island's accommodation industry, such analysis to include –
 - (i) a detailed consideration of the flow of public money into the accommodation industry,
 - (ii) a detailed description of the tax planning/avoidance mechanisms available to and furnished by the accommodation industry, such description to include, as far as possible, an estimate of the amount of tax revenue foregone in unlimited interest tax relief to activity within the accommodation industry,
 - (iii) a detailed examination of the opportunities for applying capital gains tax to the accommodation industry,
 - (iv) a detailed examination of the opportunities for applying development taxation to the accommodation industry,
 - (v) a detailed examination of the opportunities for applying commercial property taxes to the accommodation industry, and such examination to take into consideration potential reforms to the parish rates system,
 - (vi) a detailed examination of the opportunities for applying a Land Valuation Tax, and such examination to take into consideration potential reforms to the parish rates system;
- (i) to produce and publish a detailed examination of the opportunities and effects of potential taxes and charges upon the labour market, such examination to include, but not be limited to –
 - (i) payroll taxes upon employers, taking into account potential sectoral variations,
 - (ii) a training levy, taking into account potential sectoral variations,with such examination to include the potential reform of the Social Security system;
- (j) to produce and publish a detailed examination of the opportunities and effects of introducing sectoral taxes, such examination to include, but not be limited to, utility taxes;
- (k) to produce and publish a detailed examination of the potential opportunities and effects of environmental taxation; and,
- (l) to produce and publish, on the basis of both existing information and information produced as a result of the above proposals, a full menu of all taxation options to facilitate informed public debate.

Members present voted as follows –

POUR: 11

Senator S. Syvret
Senator E.P. Vibert

CONTRE: 33

Senator L. Norman
Senator F.H. Walker

ABSTAIN: 0

Senator R.J. Shenton
Connétable of St. Saviour
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of Grouville

Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains
(C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Change in Presidency

The Deputy Bailiff retired from the Chair during the consideration of the proposition of Senator Stuart Syvret concerning Taxation policies: a transparent enquiry, (P.41/2004 lodged “au Greffe” on 9th March 2004), and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Transfer of Functions (Environment and Public Services Committee) (Jersey) Act 200-: P.100/2004

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966, made an Act entitled the Transfer of Functions (Environment and Public Services Committee) (Jersey) Act 2004.

Fiscal Strategy – P.106/2004 Comments and Amendments

THE STATES commenced consideration of a proposition of the Finance and Economics Committee concerning the Fiscal Strategy, requesting them to –

- (a) agree, in order to maintain a strong and competitive economy, that a 0% standard rate of corporate profits taxation and a 10% rate of corporate profits taxation for companies in particular sectors,

including financial services, be introduced by no later than 1st January 2008 and to charge the Finance and Economics Committee to bring forward for approval by the States the necessary legislation to give effect to the proposal;

- (b) charge the Finance and Economics Committee to research measures to mitigate the loss of taxation revenues as a result of the changes to the corporate taxation structure in paragraph (a) above, without damaging the competitiveness of the Jersey economy, such measures to include –
 - (i) taxation provisions requiring Jersey resident participators to pay personal taxation based upon the profits of the Jersey companies accruing to them as a result of their direct or indirect ownership of those companies;
 - (ii) mechanisms for withholding tax from non-resident shareholders of local trading companies;
 - (iii) developing such anti-avoidance measures as may be necessary to enforce (b)(i) and (b)(ii) above;and to bring forward detailed proposals for consideration by the States by February 2005;
- (c) agree an overall strategy for addressing the funding deficit arising from (a) above, yet not fully mitigated by (b) above, specifically –
 - (i) agree that the annual increase in total States' net expenditure should be limited to 1% less than the underlying increase in the Retail Prices Index for each of the years 2005 to 2009 and to vary their decision of 18th September 2003 in P.118/2003 (Resource Plan 2004-8) accordingly;
 - (ii) agree that a target for economic growth of 2% per annum should be set for the period 2005 to 2009 and to request the Economic Development Committee, in conjunction with other Committees as necessary, to bring forward, for approval by the States, a strategy for delivery of this growth by February 2005;
 - (iii) agree in principle that, in order to balance States' income and expenditure, any remaining budget deficit arising be addressed by taxation measures, to be implemented by no later than 1st January 2008;
- (d) in connection with introducing a package of new tax measures which will be broadly progressive to balance the States' income and expenditure –
 - (i) agree to the introduction of an Income Tax Instalment System (I.T.I.S.) and to charge the Finance and Economics Committee to bring forward detailed proposals to the States to enable the system to be implemented from 1st January 2006;
 - (ii) agree in principle that tax allowances for taxpayers on high incomes be phased out and to charge the Finance and Economics Committee to bring forward detailed proposals to give effect to the proposal as part of the 2005 budget;
 - (iii) charge the Finance and Economics Committee to undertake further research into a goods and services tax, a payroll tax, environmental taxes, development levies and further tax enforcement measures in order to investigate the feasibility of their introduction, and to bring forward details to the States with recommendations for approval by February 2005; and,
- (e) charge the Finance and Economics and Employment and Social Security Committees, in consultation with other Committees as appropriate, to take steps to ensure that the effect of any new tax proposals on those with low incomes can be mitigated by the prior or simultaneous implementation of a new income support scheme,

together with amendments of Deputy Geoffrey Peter Southern of St. Helier, that–

- (1) in paragraph (c)(ii), for the words “*a target for economic growth of 2% per annum*” there be substituted the words “*a sustainable annual target for economic growth concomitant with the objective of restraining overall population growth*”;
- (2) paragraph (d)(ii) be deleted and renumbered accordingly;
- (3) in paragraph (d)(iii), after the words “*payroll tax*” there be inserted the words “*further changes to income tax, wealth taxes*”; and,
- (4) before paragraph (e), there be inserted the following new paragraph–

“to charge the Employment and Social Security Committee, in consultation with the Finance and Economics Committee, to bring forward to the States for approval proposals to reduce or eliminate the requirement for the supplementation of social security contributions from general tax revenues.”

and renumber accordingly.

Adjournment

THE STATES then adjourned, having agreed to continue consideration of the proposition of the Finance and Economics Committee concerning the Fiscal Strategy and the amendments of Deputy Geoffrey Peter Southern of St. Helier, together with the other outstanding matters of public business, the following day, Wednesday 7th July 2004.

THE STATES rose at 5.35 p.m.

A.H. HARRIS

Deputy Greffier of the States.

[1] Pre-school Education: Future Strategy 1989.

[2] Report of the Working party on Child Care.

[3] Jersey Childcare Trust: Five Year Strategic Plan.