

2.10 Deputy G.C.L. Baudains of the Minister for Education, Sport and Culture regarding parental payments for university fees:

Hopefully once again this will be less contentious. Further to the recent proposals regarding parental payment for university fees, is the Minister planning to undertake additional work to ensure the correct balance is achieved?

The Deputy of St. John (The Minister for Education, Sport and Culture):

Yes, first of all, that is the simple answer but to just embellish it slightly; the department constantly keeps under review items such as this to do with discretionary grants. So yes, we will be continuing to monitor very closely what happens in the future as we apply this new policy.

2.10.1 Deputy G.C.L. Baudains:

In his answer to a written question on 20th November, the Minister stated: "The change in policy does not exclude natural parents although the first point of assessment will now be the household." So presumably the emphasis is now on new partners not biological parents. If I may read out a very short paragraph from a constituent: "I have a step-daughter. Her natural father refuses to allow me any legal parental powers. I am not entitled to be her next of kin, I cannot act as her guardian at school or any part of her life. I am married to her mother but all that makes no difference, I still have no rights over her, yet this change makes me responsible for contributing to her university fees, having had no legal say in her upbringing at all." I put it to the Minister, that cannot be right and I ask him if he would reconsider his plans.

The Deputy of St. John:

The change in policy does not exclude natural parents. They can choose to contribute if they want. We will use the income of the natural parents, if this is their choice, even if the absent parent's income is lower than the new parent. I mean, this has not been an easy decision and I sympathise greatly with the sentiments that the Deputy read out just a second ago. It has not been an easy decision. It is a decision that is a pragmatic one because we have taken it... because the move to household income we regard as a pragmatic solution that will create the greatest equity for the largest number of people. That is the fact and I think it is the important one. It will create the greatest equity for the largest number of people. It is a difficult decision but sometimes Ministers have to make these decisions.

2.10.2 Deputy T.A. Vallois of St. Saviour:

Under the current States of Jersey accounting definitions, higher education is classed as a social benefit. In the budget today we will be seeing future work for aligning income tax and social security over the next 2 to 3 years. Does the Minister not see it more appropriate to look at this jointly with income tax and the social security changes seeing as that we seem to have different definitions for household, individuals, parents and everything all across different States departments?

The Deputy of St. John:

I think the Deputy makes a good point, and yes, we will be discussing it further as matters evolve with the Minister for Treasury and Resources.

2.10.3 Senator S.C. Ferguson:

Following on from Deputy Baudains' question. I am aware of a case where we have a child requiring university fees. The parents are divorced, the father is in an extremely well paid position and the mother is subsisting on the maintenance. Because of the fact that she is on the maintenance, the States has paid for the university fees but the father could well afford to pay. The new arrangements that the Minister is proposing to bring in would allow this sort of situation to continue where a father does not take responsibility.

The Greffier of the States (in the Chair):

What is the question?

Senator S.C. Ferguson:

Does the Minister really think that his system is pragmatic and fair?

The Deputy of St. John:

The straight answer to the last question there, or the last sentence from the Senator, is that yes, I think on balance it is fair. I have already said it has not been an easy decision but it will create the greatest equity for the largest number of people. There is anecdotal and/or subjective evidence of abuse of the old system, and questionably the Senator has just mentioned one of those abuses but it is again, anecdotal and subjective. It is very difficult to prove, in fact probably I would go so far as to say impossible but this is all about equity and we are aiming to remove unfair... **[Interruption]**

2.10.4 Deputy T.M. Pitman:

I mean, what Deputy Vallois has raised is what Deputy Martin and I brought up at the time this was first brought up. The Minister says it is creating the greatest equity for the greatest number but does he not concede that this needs some further tweaking because the approach he has taken seems to be saying it is okay if we shoot one innocent person as long as we get the 9 guilty ones. Does he not understand there are people who will suffer this innocently? It is just not justifiable; it is wrong.

The Deputy of St. John:

Yes, I do accept what the Deputy is alluding to as being a great difficulty in the policy change that the department has made. He is right. All I can say is this: this is a discretionary grant. We have some guiding principles to do with higher education, they are around the statements that no young person should be denied access to higher education on the basis of the ability to pay.

[10:45]

There are further statements around whether we should seek to influence which course a student decides to take on the basis of economic benefit. I mean, that is a whole different discussion. We have a discretionary ability to review and keep under review all of the most difficult cases and of course there is an appeals process and that is exactly what we have an appeals process for.

2.10.5 Deputy G.P. Southern:

Will the Minister inform Members whether he has sought legal advice on the human rights compliance on this issue, and if not, why not?

The Deputy of St. John:

Yes, we have so the last part of his question does not apply.

2.10.6 Deputy M. Tadier:

It seems that short of nationalising human reproduction the Minister will always be in a difficult position in satisfying States Members. Can the Minister confirm that while we hear these examples of the absent millionaire parent, whether that is a father or mother, there are situations at the moment where currently the Minister cannot reduce a grant or not give a grant if an individual, a single parent, is living with a millionaire who happens to be their new partner? Will the Minister explain that it seeks to address that issue?

The Deputy of St. John:

Yes, I thank the Deputy for that question and he is right, this is the essence of what we are trying to achieve. We are trying to ensure equity for married parents who are struggling greatly to send 2 or 3 children and this is where the inequity has traditionally lain.

2.10.7 Deputy M. Tadier:

Supplementary. Very quickly, just to add when the Minister and his team came to talk to us on Scrutiny I certainly felt a lot more enlightened. Would the Minister consider very quickly putting on a presentation in the next few weeks for States Members so that they can also ask questions and potentially be reassured about some of the more positive aspects of this scheme?

The Deputy of St. John:

Absolutely, we have a States Members briefing at lunch time on 29th January and I would be delighted to field whatever questions and will have all of my department's experts on hand to answer technical details of operational matters at that time. Thank you.

2.10.8 Deputy J.A. Martin:

I was very concerned when I heard this policy and now today the Minister tells us it is based on anecdotal, subjective and discretionary and none of it has been researched. I can see where Deputy Baudains is coming from and he just answered the question. There are some upset struggling married couples out there who do get the hump when there is someone who is...

The Greffier of the States (in the Chair):

Questions, please, Deputy. It is question not comment time.

Deputy J.A. Martin:

Sorry, I am just coming to the question but the Minister is appeasing some people. The people who he thinks you may have a single parent who is married to another partner on a very low income and they are not going to pay, they cannot pay. It is the wrong policy, he has not done his research and I will come to the presentation because it seems to have relied on Deputy Tadier. Unfortunately, Deputy Tadier has not got any children or step-children.

The Greffier of the States (in the Chair):

Your question, please, Deputy.

Deputy M. Tadier:

At least that you know of.

Deputy J.A. Martin:

I will come to the presentation but I really think the Minister needs to get some evidence on the table before he brings his policy to the House.

The Deputy of St. John:

I think the question originally was: have we done our research? I can assure the Deputy that we have done a huge amount of research and that it was not a swift decision that I came to. It took me... well, I started in the job over a year ago so that tells you how long it has taken me to consider this. This was one of the first things that was brought to me because what it is about is looking after the interests of the 62 per cent of people that are married as opposed to the 38 per cent who might be single and divorced, and it is those people that I have to, in all essence, look after.

2.10.9 Deputy G.P. Southern:

Point of clarification, if I may? I think I heard the Minister say he would bring his evidence to the House, did he?

The Deputy of St. John:

Certainly there will be an opportunity on 29th January to look at any and all research that we have carried out and I would be delighted for any Member that is worried to come to the department and I can go into the detail of this in...

Deputy G.P. Southern:

Can you get that evidence out for Christmas reading?

The Deputy of St. John:

No, I do not think I can.

2.10.10 Deputy T.A. Vallois:

The Minister talks about equity. He is a member of the Children's Policy Group. What pressure has he therefore placed on emphasising and recognising equity between natural parents, both mother and father, for responsibility of the child within law?

The Deputy of St. John:

No parent can abdicate responsibility for their child, that is in the Children's Law. Not according to my reading of the Children's Law. I would say that the Children's Law also states that it is quite in order for a third person to assume, in law, to have parental responsibility, in other words another parent when they join a marital home.

2.10.11 Deputy G.C.L. Baudains:

The Minister says he is in a difficult position, well, not half as difficult as it is going to get if he carries on with the present process. The Minister has clearly put pragmatism over morality. What he proposes to do, namely charge partners for university fees but only pursue biological parents as a discretion, is in my view not only immoral but may be contrary to Article 4(1) of the Education (Discretionary Grants - Amounts) (Jersey) Order 2008. So my question is: I and clearly a number of other Members are seriously unhappy with the proposals that he has, could he tell us how he intends progressing this? Is it by order or proposition because we need to know so that we can mount a proper opposition to it?

The Deputy of St. John:

It is by order, not by proposition.