



Migration and Population Review Panel

P.137/2020 Migration Control Policy (Phase 1)

Witness: The Chief Minister

Friday, 5th February 2020

Panel:

Senator S.W. Pallett (Chair)

Deputy S.M. Ahier of St. Helier

Deputy G.J. Truscott of St. Brelade

Witnesses:

Senator J.A.N. Le Fondré, The Chief Minister

Deputy R.E Huelin of St. Peter, Assistant Chief Minister

Ms. S. Duhamel, Director, Strategic Policy, Performance and Population

Mr. N. Stocks, Senior Policy Officer

[15:01]

Senator S.W. Pallett (Chair):

Good afternoon, everyone. Welcome, Chief Minister, today. I know you have a busy day so we will try to make the most of the time we have with you this afternoon. Maybe if I just start with a brief introduction. Normal hearing standards apply. The hearing will be recorded and transcribed. Please indicate your wish to speak by using the chat function, if you can, as we do in the Assembly. Please speak in order and do your best not to interrupt if possible. Please make sure you are on mute when not speaking and remember to come off mute when speaking. Please ensure a clear visual is available when speaking. Speakers will be shown on video. If we run out of time for all our questions we just ask, if possible, Chief Minister, you could answer our questions in writing for publication on the panel's webpage. All speakers will need to introduce themselves in the usual way for the transcript. I think that is where I will start. I am Senator Steve Pallett, and I am chair of the Migration and Population Review Panel. If I could ask the members of my panel to introduce themselves.

Deputy S.M. Ahier of St. Helier:

Deputy Steve Ahier, member of the Migration and Population Review Panel.

Deputy G.J. Truscott of St. Brelade:

Good afternoon. Deputy Graham Truscott, member of the Migration and Population Review Panel.

The Chief Minister:

Yes good afternoon Senator John Le Fondré, Chief Minister.

Assistant Chief Minister:

Good afternoon Deputy Rowland Huelin.

Director, Strategic Policy, Performance and Population:

Sue Duhamel, Strategic Policy, Planning and Performance.

Senior Policy Officer:

Hello I'm Neil Stocks, Senior Policy Officer.

Senator S.W. Pallett:

Thank you very much. Again, I just welcome you all here this afternoon. I just have some opening questions to start. We will go into some more detail obviously as the panel hearing moves on but if I could start with: could you please outline succinctly as you can, hopefully in less than 5 minutes, the rationale underpinning the proposed amendments to the Control of Housing and Work Law 2012, as we find in P.137/2020.

The Chief Minister:

I will go for the high level and then I will hand over to Rowland. The fundamental ones are - and I think we have all accepted - we need greater controls, ultimately leading to a population policy. Obviously that is something I think all of us, when we stood in varying degrees, we are very committed to. When I started I set some pieces of work going, which then ultimately fed into the policy development board, which ultimately reported, I think, in February/March of last year. Then obviously we have lodged P.137, I think it was October last year. The intention, and it might even have been Deputy Truscott who asked me, was to have the debate before Christmas, and that was my commitment to the Assembly. Obviously Scrutiny, in various guises, has asked us to delay it now to March. The fundamental one was when the work was being put together it was clear that actually we do not have the level of data we need. It is also very clear that one of the problems with the migration policy is what we are calling the automatic graduation of people coming to the Island.

Even if you stopped issuing licences tomorrow you would not be able to have any control over the increase in population. Therefore that meant if you set a number, for the sake of argument, under a population policy it would be meaningless because there was no control over it. That is therefore simplistically why the focus then shifted initially to getting the controls in the right place, or we considered to be the right place, then allowing having the systems underneath it to gather all the data and have the right I.T. (information technology) and then that can feed into then having a population policy and a migration policy. Obviously there are some structures around it. This is about putting the foundations in place to then move on to having all the right levers in the right place so that when we have a meaningful population policy the politicians of the day can either turn those levers on, turn them off, have them midway, but that is in the hands of the politician. But we are putting the controls in place, which I think really it would be fair to say have not been there for a number of years in the past. Rowland, do you want to add to that?

Assistant Chief Minister:

There is not a lot to add to that except I would say we have sort of 3 areas of discussion that are like a Venn diagram, they are all interlinked. Obviously there is the population policy, the immigration policy and the migration policy. I can only add to what the Chief Minister has said. This is effectively a precursor towards the population policy because there are certain things that are absolutely fundamental that we need in place, one of which is the technology and the data that is required. Two, is to assemble - I can use that word - the panel of experts required to help us inform the population policy; not at the outset but in an ongoing way.

Senator S.W. Pallett:

There are a lot of areas you have talked about there; for example, data, which we are going to come on to later. Just in regards to one particular area. Do you believe that these changes need to be brought forward first before the development of a common population policy?

The Chief Minister:

Yes.

Senator S.W. Pallett:

That is clear, which is good. Moving on to the next question then. How do you intend to ensure that the changes remain fair and equitable for as long as they remain in place? Will there be any requirement to strengthen the rights of migrants to comply with human rights equity if these amendments are passed?

The Chief Minister:

I will hand over to Sue for the detail around the human rights aspect but the principle is you have to have controls in place. The controls have to be fair and they have to be applied even-handedly. But the principle is we also accept one has to have controls in place to be able to control the population. If you do not then for Islanders I think you will have a different challenge. But, Sue, do you want to talk about the human rights side of that?

Director, Strategic Policy, Performance and Population:

The existing Control of Housing and Work Law and any changes we make to it always have to be human rights compliant. That is a prerequisite to all legislation that Jersey passes. So we are very confident that any change we make would be human rights compliant. We have had a senior law officer sitting with the Migration Board to give them advice from time to time. That will continue. I think the Ministers are confident that the human rights of migrants will be fully taken on board, as they are today.

Senator S.W. Pallett:

I suppose moving on from that, in regards to compliance, how will the human rights of applicants be monitored? Will additional resources be required for this monitoring, if that is what you intend to do?

Director, Strategic Policy, Performance and Population:

Obviously I mean people have human rights today, they will still have human rights. Do you have a specific example? I am sorry, I am not quite understanding what we would monitor?

Senator S.W. Pallett:

As migrants come into the Island there is no ... I know we have not signed up to the convention of rights of migrant workers but as they come into the Island clearly we need to ensure that they are receiving the right attention and just making sure that their rights are not abused. Really it is just a case of monitoring that. Can you see any way that you could monitor that just to ensure that migrant workers are well-treated and do have their rights respected?

Director, Strategic Policy, Performance and Population:

Perhaps I can answer a very slightly different question but that might give you some reassurance. One of the projects that forms part of this piece of work is to look at the rights of workers, so this ... I mean their human rights are there already. But the rights of workers to receive healthcare and benefits and just the general rights that come with living in the country, there is a review going to happen as part of this work on that. That is the way in which Ministers will ensure that migrants get the rights that they need, by making sure that we have a consistent approach to how people access those various public services that people take for granted.

Senator S.W. Pallett:

You mentioned the review, what would be the nature of that review?

Director, Strategic Policy, Performance and Population:

Within the P.137 proposition there are different elements to it. The part of the proposition which is going to be debated relates to legal changes that need to be taken through the States, which relate particularly to the Control of Housing and Work Law, but in the report itself there are additional actions which all form part of the overall timetable, and that includes a review of migrants' rights. That is there, along with another review to look at the rights of the family, in particular. So there is one thing about migrants but there is a separate thing about family rights. These are important issues. They do not necessarily require us to change any laws but they require us perhaps to change the way in which people access services provided by the Government. It will not be our first priority because we need to get the legal changes sorted out first but that will happen ... as I say, over the next 2 years those reviews will be completed.

Senator S.W. Pallett:

I presume then that review will pick up on human rights concerns around the U.N. (United Nations) Convention on the Rights of the Child, for example. If so, what consultation have you had to date about these areas with stakeholders or is that something that you are going to do as you move forward?

The Chief Minister:

The U.N.C.R.C. (United Nations Convention on the Rights of the Child) side of things, we are going down an indirect incorporate route which, from memory - Sue might have to correct me on this - was based on experiences in Wales. But certainly based on the legal advice that we received. That we have given the go ahead on. But that is a piece of work that is progressing through the system. I will have to come back to an exact timeframe, unless Sue can update on that. Yes, there are ongoing pieces of work that will be coming back later in the process.

Senator S.W. Pallett:

Can either you or Sue give us some idea of timeframe of that?

Director, Strategic Policy, Performance and Population:

I cannot give you the timeframe. The indirect incorporation would require the States to have due regard to the convention in a fairly formal way. So that is another positive way in which in the future the Government will be held to account for different areas. Rather than try to guess let me come back to you with the actual date. It is a firm commitment of this Government.

Senator S.W. Pallett:

Okay, that will be useful. Moving on to another question then: what consideration is being given to the preparation of integration strategies to ensure inclusion across the community when people arrive in the Island?

[15:15]

The Chief Minister:

I think that comes together with what we were saying about the review into access to services and things like that. It will form part of that kind of piece of work if it is going to be anything more over and above what we presently do.

Senator S.W. Pallett:

Specifically about making sure that people integrate into the community, into society generally in the Island, is there any specific piece of work to ensure that people that come to work here are made to feel welcome over and above the normal services that a migrant would expect?

The Chief Minister:

I think at the moment there is what, as I understand, happens at present but also there is the work that the Deputy of Grouville has been doing around the Island identity process more, which will be coming through later this year.

Senator S.W. Pallett:

Again, moving on. Will the opportunity be taken to undertake a child rights impact assessment in relation to the policies that are being brought forward?

Director, Strategic Policy, Performance and Population:

Yes, we will provide a C.R.I.A. (child rights impact assessment) for the law changes when they come through.

Senator S.W. Pallett:

Again, moving on. What role would the 2021 Census play in the development of a common population policy?

Assistant Chief Minister:

It will be an invaluable nugget of data, to put it mildly. However we do have a concern that the proposition by Deputy Perchard from P.120 to bring forward the lodging of a population policy debate in this calendar year means the timing could be - shall we say - inconvenient, whereby I think - I am

looking across the room because I do not know the exact date - but I think it is a date in November when the Census data will arrive. Then of course it will need time to digest and be relevant. That is causing us a little bit of concern, which obviously we have to work around but it is conditional. We cannot do anything about that. If you merge that with the proposition, with the financial considerations approved by the Government Plan, which is to invest heavily in I.T. and data to inform population policy going forward means it will be a bit of a crunch in order to use that data advisedly. I flag that. That is a risk to the efficacy – if that is the word I want - of the data in order to make informed decisions for the population policy.

Director, Strategic Policy, Performance and Population:

Just a word on the timing. So the Census will obviously take place in March and the initial results are likely not to be available until very much towards the end of the year. It does take that amount of time to analyse all the numbers and check that everything is correct. The headline number for the Census figure will be around the end of the year. The population policy may have taken place just before or just after that number is released. In reality, the population policy that is being developed this year will not rely on needing a Census number. It will have to be done knowing that it has not got a Census number because obviously even if we get the number before the debate we will not get the number before the proposition is lodged.

Senator S.W. Pallett:

Sticking on data, how will the data collected later on in the year be compiled and presented to Ministers involved in developing the common population policy?

Director, Strategic Policy, Performance and Population:

We are currently commissioning a new I.T. system. That will be administered by the C.L.S. (Customer and Local Services) Department. One of the key components of that commissioning that is going on at the minute is the collation of data within the system so that as people come to the Island or as people move jobs in the Island, that is being recorded and that information will be available on a monthly basis for internal use and then obviously regularly reported to the public. We hope that we will be able to give the public much more up-to-date information about the number of people living here, the number of people moving here, the kind of jobs they are getting, how they move from job to job. This information we just cannot get from our current systems and it makes it very difficult to work out what population policy to have in it without knowing what our current population is doing. The timing, you need to understand we do not have a system that does this at the minute. We are building a system today. It will take most of the year to do the I.T. preparation. So we will start to get out the first few weeks or months of data towards the end of the year but in reality that will not be very useful right away because there will be nothing to compare it with. So it will be next year when we start to see the benefits of that IT project.

Senator S.W. Pallett:

Again, around data. Will the data collected be used to support the work of the independent expert panel and the States Members committee? Obviously when it is compiled.

The Chief Minister:

Yes, is the short answer and publicly accessible as much as possible.

Senator S.W. Pallett:

Just before I turn over to another panel member, going back to an earlier question. You did say yes, and I should really have asked a further question. But in terms of bringing these changes forward before the development of a common population policy, you did say yes, what was your reasoning behind that? Why do you think it is that important to do it that way?

The Chief Minister:

It goes back to what I said in the introduction, is that there is no point in having or trying to have a population policy or a population target or number, or whatever you want to call it, without having the right controls in place because otherwise it becomes meaningless. As we have just been hearing, having the level of data and the level of controls in the right place, gives (a) the information and (b) the levers to any future group of politicians or Government, or whatever it is, that can then have an informed policy. Whereas at the moment, and I think it has been recognised in some of the submissions you have had, the present controls have not been working as well as one might have liked, might be a good way of putting it.

Senator S.W. Pallett:

I am now going to hand over to Deputy Ahier who is going to ask some questions around automatic graduation.

Deputy S.M. Ahier:

Just before I start that, I believe Deputy Truscott has a quick question.

Deputy G.J. Truscott:

It is regarding Sue's previous question regarding I.T. systems. I am just curious. Obviously with an I.T. background, is there a piece of software that we are developing, such as a database, or is there a bespoke piece of software that we can get off the shelf that we know of that will enable us to gather the data?

Assistant Chief Minister:

I will take that as we have similar backgrounds in our previous careers. I understand a project manager has been appointed and is in place, and obviously will drive the project forward and make the recommendations of what sort of platform is required.

Deputy S.M. Ahier:

Automatic graduation, Chief Minister. Could you please explain the rationale behind the proposed removal of automatic graduation?

The Chief Minister:

I will give the high-level comment and definitely hand over to Sue on this one. The high-level comment, and there is in the report accompanying the proposition a link, if you click on it electronically, to a video on YouTube, which does explain it quite nicely. That was produced, I think, by the Statistics Department some years ago now. The point is when somebody, as I recall, comes in on a 5-year licence, they then obtain certain rights and then essentially move out of the 5 years into the 6 to 10 years, and there is nothing that can be done about it. Therefore what then happens is that somebody comes and replaces that person and so it goes on. In other words, there is a continuous stream of people coming in year by year and even if you stop issuing more licences the existing licences are there and continue to be filled because they are generic and not time limited basically, in general terms. Any further than that, I will hand over to Sue to give some greater detail.

Director, Strategic Policy, Performance and Population:

The Chief Minister has explained it really well. The issue is that we provide permissions to businesses to hold registered permissions and licenced permissions. In particular the registered permissions many people can come in and take up a registered post, live in Jersey for 5 years and then move into any entitled to work job, any local job in the job market, and then the business still holds the permission to employ a registered person and therefore an extra registered person comes in and uses the same slot that the previous person was using so you now have 2 people instead of one person. While you allow businesses to hold permissions to employ registered people you cannot stop that flow of people coming in and therefore even if you did not have any new permissions there would still be more and more people coming through the labour market each year. Does that make sense?

Deputy S.M. Ahier:

Thank you. Chief Minister, what objective figures can you use to justify this change? By how much will it reduce the number of migrants in Jersey? Or will it reduce the number of migrants in Jersey?

The Chief Minister:

Two things: just as a point of reference, if you have not found the link it is on page 22 of the report. The other point is it is a control that we are putting in place. Therefore it is only how that control is used that will then determine whether it increases or decreases migration. What we are saying is at the moment there is not a control in place. If you like, we are putting a valve in the middle of a pipe. Until you actually touch that ... so we are putting in that valve. Until you turn it on or turn it off you are not changing the flow of the water. Does that make sense? At the moment we do not have anything that controls that flow of water particularly but you are putting something in the middle of the pipe that will then enable you to either turn it down and therefore decrease the flow or actually turn it up potentially and increase the flow. At the moment there is not a control there to enable us to do it.

Deputy S.M. Ahier:

But do you believe it will reduce the number of migrants in Jersey?

The Chief Minister:

What I am trying to say is it gives any future group of politicians greater ability to reduce the flow of migration if they feel it is appropriate. But the existence of the control itself does not automatically mean a reduction in migration. What it means is you have the ability to reduce it, if you desire. I am trying to say the actual effect of the proposition, if there is no change in how things apply and carry on. But if politicians decide that they wish to restrict the flow of people into the Island that control will give them the ability to do so.

Deputy S.M. Ahier:

What work has been undertaken to understand whether those working under these new categories will require new employment rights or protections to avoid any potential exploitation, particularly in the 9-month permissions?

The Chief Minister:

What I will do is hand over to Sue but the point is there should not be any change at all because we have existing employment rights but Sue can elaborate on it.

Director, Strategic Policy, Performance and Population:

Just to be really clear, everybody who works in Jersey is covered by the Jersey Employment Law. It does not matter whether you are coming in as a migrant or you have lived here all your life. The Jersey Employment Law also has only one category of workers, so all workers receive the same rights. They are all fully covered by all the aspects of the Employment Law. I can say there is no issue with the respect of migrants not getting their full employment rights. They already exist and will not be changed by these changes.

Deputy S.M. Ahier:

Chief Minister, what process will those who are unsuccessful in applying for automatic graduation undergo in leaving the Island?

The Chief Minister:

You do not apply for automatic graduation. We are trying to stop it. So essentially it will depend on the permit that they are given, at the end of the day. I think that is the only way I can add to it. Sue might want to add to that. I know Rowland would like to add some extra response to one of your earlier questions. Sue, do you want to cover that first?

Director, Strategic Policy, Performance and Population:

I think what you are talking about is what would happen in the future if we stop having automatic graduation. So the reason for seeking control is just so we can actually see how many people move into a longer-term residency. The way to get towards a permanent residency would be that you have a 4-year permission under the proposals.

[15:30]

Before the end of the 4 years one of 2 things has happened. You have been given the right to move to the 10-year status or you have not. If you have not been given the right to move to a 10-year status you will leave the Island at the end of the 4 years in the same way that you would leave any other short-term posting to a different place. It would just be the same. The Control of Housing and Work Law is not an immigration law. It does not have the right to deport people so we would not shoo people out of the Island but they would not have the right either to take up any more employment nor rent in their own name. That is the practicalities of it in that situation so most people would leave.

Deputy S.M. Ahier:

On the 4-year licence, but if that person has children and the children have been here for 4 years are they also asked to leave or do they not automatically get rights of stay?

The Chief Minister:

I think what we have to say is that when we get to the issues of children we know it is a harder point and that is where you then get into the territory of what the population policy itself sets out, taking account of all the various legislative issues; some of which we have already touched on. But equally there has to be a realisation that if politicians so decide - and that is not what they are being asked to decide now by the way - that they want a harder enforcement of that policy then that will have to

be what the policy is. But I will hand over to Neil, who I think has had more consideration on that subject. As I said, I think Rowland would like to just add some further information on the questions you were asking earlier, so if Neil can hand over to Rowland straight afterwards.

Senior Policy Officer:

Part of P.137 is to make it clearer to migrants what the package about permission involves and having that clear direction as to what the permission is. It is clear before you even arrive in Jersey that you will be coming for a limited amount of time, therefore the difference is migrants at the moment might come in from day one with an expectation that they will move through and gain residency but this should make it clear that that would not be the case in that category. I will just pass on to the Assistant Chief Minister.

Assistant Chief Minister:

Following on from that, part of the I.T. systems is to ensure that there are exceptional processes in systems to enable employers and employees, i.e. employees, potential migrants, to have an absolute clear understanding about what is available for them and what they may be asked to do so they can make a very informed decision before coming over there. The other side of it is to ensure that that system enables a very fast approvals process because we are acutely aware that we are now in a sellers' market. Gone are the days when the wonderful Breton farm labourers came over in their numbers to work on the farm. It is not just potatoes but the calabrese and the cauliflower, et cetera. We now have to ensure we make our offering attractive to them because it is now a global market. As we have seen in the papers today, we are now welcoming people from the Philippines to work on our farms. That is not a quick journey and they are coming halfway across the world to work in very cold conditions, so they need to be made aware of what they are doing and what they are going to get in return for that. That must be respected. Going back to Deputy Ahier's question. I think he said something about the uptake - I cannot recall what word you used - of the number of people that are taking advantage of the automatic graduation. Statistic Jersey estimate - and the big word there is "estimate" - about 615 workers each year go across from registered to entitled to work status, which including non-working partners and children is 800 a year. What is important is the fact the I.T. systems we want to put in place will be able to tell us exactly what that is and to be able to track our migrants through their employment journey and to know exactly how many unskilled registered workers are permanently settling here. It is again why we need to do this now is to ensure we have the data in place to inform policies going forward.

Deputy S.M. Ahier:

Chief Minister, it is understood that those with a criminal record of sorts could risk refusal of graduation. Will a list of the types of record, criminal actions and exceptional circumstances in which the proposed panel can overturn concerns about these be published so as to provide a basic

overview to improve public understanding of how decisions will be reached and promote transparency?

The Chief Minister:

The short answer is yes. Any of those conditions would absolutely be published. Neil, do you want to give some more information on that?

Senior Policy Officer:

As Sue alluded to earlier, there is more detail within the report in section 5 that covers the criminal record checks and that gives quite a bit more detail of how we would expect those criminal record checks would take place. In effect, they are very similar to how Guernsey currently carry out their criminal record checks for migrants coming in and looking to move out of one permission into another.

Deputy S.M. Ahier:

How will individuals appeal a decision if an application is not successful? Will an independent judicial system be established to hear appeals?

Director, Strategic Policy, Performance and Population:

The extra bit that we will add into the Control of Housing and Work Law will specify quite clearly what types of criminal record would be considered to be ineligible. The first point would be that you would just fail one of the basic conditions of the law. You would not be allowed to have a new permission because you would have declared a criminal record that was too serious to allow you to come to Jersey in the first place. If you acquire a criminal record while you are in Jersey, and again it is very serious, then it might be that you would lose your Control of Housing and Work Law permission at that point. That might be one piece of the consequences of the conviction. Then, apart from exceptional circumstances, you would lose your C.H.W. (Control of Housing and Work) status. I think where there might be exceptional circumstances it would be the Chief Minister, as the Minister sitting behind the law, who would hear any appeals on that situation.

Deputy S.M. Ahier:

Chief Minister, what feedback have you received from stakeholders regarding the proposed graduation system and what concerns are being raised by them?

The Chief Minister:

That is definitely something I will need to hand over to Rowland. Obviously the policy development board did have discussions with a whole variety of stakeholders ranging from Jersey Finance, Farmers Union, dairies, Children's Commissioner, Jersey Water, Digital Jersey, at least one of the

honorary consuls if not ... 2 of the honorary consuls, Jersey Hospitality Association, Chamber of Commerce, Caritas, Jersey Royal, J.E.C. (Jersey Electricity Company), National Trust and Jersey Business. There are a variety of people they spoke to, and I assume during that process they obviously covered - obviously I was not on the policy development board - the whole issue around the automatic graduation. Rowland, do you want to talk on that and perhaps Neil afterwards?

Assistant Chief Minister:

On the board it was acknowledged that controls are necessary because, as you know, the last time a number was put down - 325 in 2011 - that has been smashed, as it were, virtually every year since when we have a net migration coming in at over 1,000, which is not sustainable when you are planning originally for 325. What was encouraging is I read the submissions to Scrutiny as a result of this particular hearing and I think all of them - I stand corrected if I missed one - said the controls were absolutely necessary. Clearly, it is how they are used and how they are fair and how they are proportionate and how people have a fair understanding of what that controls will mean to them is the next level that is required. But I have not had anybody that says we do not need controls to ensure we have the right and appropriate level of inward migration to support our Island.

Deputy S.M. Ahier:

Can we expect any changes to be made to the proposed system before they are enshrined in law?

The Chief Minister:

I will hand over to Sue on that. In terms of the new type of controls that are being suggested, I think you have to have the law change first. Obviously in terms of data collection systems, those we can do without having to have recourse to law changes. Sue, do you want to add?

Director, Strategic Policy, Performance and Population:

P.137 is a policy proposition. So that does not have any law attached to it straightaway but it sets out the key criteria. We are talking about a 9-month permission, a 4-year permission, a 10-year permission, criminal records and those kinds of things. Subject to the States decision on P.137, then we would expect to go to law drafting and to come back to the States later in the year with a change to the Control of Housing and Work Law. The Ministers cannot change the law without 2 States debates; this one and then another with the law itself. So the intention would be, subject to obviously the debate on P.137, that the proposals for the 9-month and 4-year and so on, would be the things that would first go into the law. That would be our first change. Those law changes will also make some structural changes to the law to make it easier to see the way in which the permissions work, to make it clear that permissions have start and end dates, and make the whole system a little bit clearer. Once the new system is in place it might be that in the future there is a desire to change a 9-month permission to a 10-month permission or a 4-year to a 3½-year, all those

kind of things. Those will be decisions that would need to go through the law again for future Ministers to look at and a future States Assembly to make a decision about.

Senator S.W. Pallett:

Just in regard in that question, if I maybe term it slightly differently. Obviously a lot of the sectors have been digesting these proposals. I know from what we have heard certainly the 9-month one has not been universally accepted or supported. Could I ask it another way: are you expecting to make any changes to P.137 prior to the debate after any representations you have been made or anything that you have heard from any specific sector?

The Chief Minister:

I think at this stage it would be fair to say we are not anticipating making any changes. Obviously we will see what the outcome of your review identifies but certainly briefly on the submissions I have read, particularly I have the J.F.L. (Jersey Finance Limited) open to me. It says: "In principle we would agree it appears sensible to provide more responsive controls and to remove automatic graduation." I think the Citizens Advice says: "I believe the existing controls are clearly not having the desired effect. Broadly speaking I do agree with the policies provided." I think we would be interested just to see what the submissions are that you receive, and it may be that a particular sector feels that there is some particular tweak that needs doing. Whether that is done at the in-principle stage or at the law stage will be a matter of consideration depending what the matter is. Neil, do you want to add something there?

Senior Policy Officer:

As the Chief Minister has said, this proposition is about the controls. It does not say who sits in each of those controls. It does not say which sector or what skills basis it might sit within those. So that would be where the population policy would feed into those controls.

[15:45]

So these are just controls, they are not making any presumptions and I think maybe from some of the paperwork you have had in that some of the people are raising some concerns because they are making decisions about where some of their workers will fit within those controls, which we are not doing within this proposition.

The Chief Minister:

There is also an important point to remember is that although they are distinct we have to keep an eye on what happens with the immigration laws and what measures the U.K. (United Kingdom) puts

in place. When I say consistency with them, we control our own destiny in relation to migration but obviously we do have to be aware of what is happening in the immigration world.

Senator S.W. Pallett:

Just to be clear, there is no intention to have any carve-out or exemptions for any particular sector of the economy, be it agriculture, hospitality or another sector, they will have to abide by these proposals, full stop.

The Chief Minister:

I think at this stage that is the intention. My understanding is that when the board certainly puts its work together a lot of consideration was placed on to the requirements of the different sectors on the Island because we are pretty mindful as well of what the requirements of various sectors do have. But I think the feeling was at the time from the work of the board, from the various feedbacks that they had, was that more responsive controls were required and this is where we landed.

Assistant Chief Minister:

May I add to it, Chief Minister? At the beginning I mentioned the 3 different areas that have this interlinked Venn diagram, population, migration and the third one is immigration. As we are all acutely aware, since 1st January of this year when we formally exited the European Union all those former members of the European Union who had the right to move here no longer have that right of passage. Therefore as part of our agreement to be part of the Common Travel Area that is acknowledged to be in the best interests of the Island we are now responsible for the borders coming in from Europe. It is the U.K. legislation, and I am speaking now on behalf of the Minister for Home Affairs, so I apologise to him if I get any of this wrong, but we are now beholden by those rulings, which stipulate to have 9 months for migrant workers aimed at agriculture and I think it is 3 years for more skilled workers, aimed at having a minimum income of I think £26,900. It is the cart and the horse here. We have to follow those recommendations, so that is shaping a lot of it. It is only when somebody who arrives in the Island has got through the tight immigration controls laid down by Whitehall that we have our own legislation, and that is the Control of Housing and Work Law that ultimately protects our population by determining where people earn their money and lay their head at night. I think it is important to realise that this is not a totally unique solution for Jersey that we brought together for our population. It is very much in synch with the U.K. and our membership of the C.T.A. (Common Travel Area).

Director, Strategic Policy, Performance and Population:

You talked about the words “carve-outs” and it is interesting because carve-out does relate more to immigration rules than it does to the Control of Housing and Work Law. With immigration you will have seen in the press that there has been the ability for the Minister for Home Affairs to allow

construction workers to come in, in addition to the restrictions that the Assistant Chief Minister has just set out, so those are the main rules but there are ways in which the local Minister for Home Affairs can carve out, if you like, a little bit of extra permission for selective groups of people at selective times. For example in the U.K. there is no hospitality route yet there is a route for hospitality in Jersey that has, if you like, been carved out of the U.K. rules. The Control of Housing and Work Law does not really work by stopping people doing things. It works by giving you permissions, so it is almost the other way round, that in the Control of Housing and Work Law if you wanted to allow a particular sector to have more access to more staff you would allow them to have more permissions. That will flow from the population policy. We are not quite there yet. Our job at this stage is to create a set of consistent and meaningful controls that can be used to essentially control the population going forward under the terms of population policy.

Deputy S.M. Ahier:

Chief Minister, what consideration has been given to the impact on the leave requirement for registered migrant staff who return repeatedly to Jersey for seasonal work? Is any flexibility being considered to ensure that skills are not lost and that such employees do not lose any rights accumulated each time they leave?

The Chief Minister:

I think that is one for Sue on that level of detail.

Director, Strategic Policy, Performance and Population:

Going back to what the proposals are, so the proposal for a 9-month permission that you can repeat each year is typically aimed at somebody who is either coming in to do a very short-term job that only lasts a few months, or possibly for a less skilled job where perhaps the work is repeated from year to year. Today, having left the E.U. (European Union) those people will typically be non-C.T.A.(Common Travel Area), so non-British or Irish people so we are talking about Filipino workers who are here in Jersey at the minute, and they are not going to acquire rights. They can come back in extra years but they break their residency each year, they do not acquire rights and they can choose to be long-term migrant workers if they want to be. The 4-year permission is important because that is the one about not losing skills. So if you take somebody on then you can use them for 4 years and that gives you plenty of time to train somebody up and to acquire a good number of skills and you are not seeking to repeat them each year. That 4 years was discussed; there were suggestions about 3 years or 4 years and 4 years just felt to be the right amount of time to allow a business to take the benefit from the training they could give their staff but at the same time once people live in Jersey for 5 years they tend to get more rights and it would be hard to deny them access in both immigration areas and things like pensions, which they start to acquire after 5 years. The 4 years is chosen as a period of time in which people can have a good period of time in Jersey

and the businesses get good value from the employee, yet you are not creating that extra amount of people staying here permanently where perhaps they do not have the skills that Jersey requires at that time. It allows you to refresh your workforce every 4 years to bring in people with the skills that you need at that time.

Deputy S.M. Ahier:

How will the charging structure work for work permits for seasonal employees? In some industries where the employer pays for both the work permit and visa this could be many multiples of £360 per individual per season.

The Chief Minister:

I will hand over to Rowland initially but I think some of the things you have referred to are immigration charges versus migration charges. I would just make that point and that was an issue we had this year, which is referred to in the Government Plan with the impact of the immigration charges, which is one of the reasons we concluded that the migration charges should not be increased to the level that was being suggested. Rowland, do you want to go into more detail?

Assistant Chief Minister:

I was going to say, as I understand it the local charges are remaining the same. It is the immigration charges that we pay to the U.K. as part of our border control as entrants into the C.T.A., which is again beyond our control but that is a charge levied by the U.K. Government.

Deputy S.M. Ahier:

Can you be clear about whether this has been devised to raise revenue or is this purely to cover departmental costs?

Assistant Chief Minister:

I will hand that one over to Neil.

Senior Policy Officer:

Thank you, Assistant Chief Minister. To clarify, the fees that you are talking about are the immigration fees. There are 2 strands to those. One is the immigration permission that an individual requires in order to enter the Common Travel Area. That fee is paid to the U.K. and then there is a different fee that is paid for by the employer to employ that individual here in Jersey. That is where the separate fee is and that fee comes to Jersey, so there are 2 fees. As of 1st January the situation for people who are non-E.U. citizens remains exactly the same. The change is that E.U. citizens have now become part of the immigration rules because we are no longer within the E.U.

Deputy S.M. Ahier:

Do the fees raise revenue or do they purely cover departmental costs?

Senior Policy Officer:

I do not want to talk on behalf of the Jersey Customs and Immigration Service but my understanding is that the larger fee, which is the one that the individual is required to pay in order to get their immigration permission, is set by the U.K. It is not set by Jersey so that fee would be outside of the control of Jersey and I could not tell you how that fee is set. However, the immigration fee for the work permit locally is set locally. I do not believe that is set in order to make money but to cover the costs and the benefit that that immigration permission gives to an individual.

Deputy S.M. Ahier:

Thank you. I will pass over now to Deputy Truscott.

Deputy G.J. Truscott:

Thank you, Deputy Ahier. Chief Minister, has consideration been given to reducing the 10-year status to 8 years in line with the long-term employment permit in Guernsey, as a way of ensuring the best outcomes for family life for migrants?

The Chief Minister:

No, I think at this stage we felt it was better to stay consistent with the 10 years we have already got. If in future either the States Assembly or the Government of Jersey want to change that, that would be a matter for them after consultation. Our key focus is to get the controls in place, which as we said, we believe leaves a better foundation compared to what we have presently got.

Deputy G.J. Truscott:

Following on from that, has consideration been given to introducing reduced rates of income tax and social security for those on 9-month permits who will benefit the least from those payments?

The Chief Minister:

I do not think there has been any formal consideration. There is a review that does have to take place around the inconsistencies we have within, well who can access services and on what basis across and so I am sure if people felt it appropriate they could apply that, but speaking personally my experience of working away is that I certainly did not get consideration for the fact I was there for a shorter period of time, but I will hand over to Sue on that as well.

Director, Strategic Policy, Performance and Population:

Just in terms of social security, obviously people hold a contribution record and, as Deputy Truscott might remember from his time at Social Security, your record builds up month by month and it does not matter if you come and go at different times. If you have been in Jersey for 4½ years altogether, even if that is made up of a number of different periods of time, you can claim a Jersey old age pension in the future, so people would probably be happy to pay because they would get that cover going forward in the future. In the short term your income tax and your social security are paying towards the services that you use that are all around you, the roads, sewers and so on. We have not got any direct plans for that at the moment. The one thing that we do have a plan for is that the thing that is unfair for a seasonal worker is the way in which the Social Security Law looks at your recent record. So whereas it works really well for pensions it works less well for people who want to claim a short-term sickness benefit, whereby we are often looking back to a period when you were not in Jersey and saying: "Oh, no, you were not there in the winter, therefore you cannot claim a benefit in the summer." We are aware of that and that is one of the things that will be looked at when we come to do the benefit review, making sure that migrants get a good, fair access to benefits and services.

[16:00]

That is one thing that will be looked at, probably not just yet but certainly within the next 2 years.

Deputy G.J. Truscott:

I do not know quite how the long-term care charge figures in that calculation, whether that will be considered as well, Sue?

Director, Strategic Policy, Performance and Population:

No, everybody pays the long-term care charge if they are due to pay income tax.

Deputy G.J. Truscott:

Will there be any discretion in the policy direction for the issuing of immediate 10-year permits for essential skilled workers such as social care, healthcare and nursing staff or key roles in the finance sector?

The Chief Minister:

I think that all then forms part of the population policy. We are on an interim one under development and then each Council of Ministers has to produce a formal one.

Deputy G.J. Truscott:

I agree. We touched on this particular question earlier and I think yourself or Sue covered it off by saying that the Minister for Home Affairs could give extra permissions. How flexible will the system be? There are some instances, for example the construction industry, where typically their average project will be anything from 2 to 5 years. Short-term immigration measures such as 9-month permits are unworkable and would have a knock-on impact on the health and safety training. This typically takes about 3 months, costing around £500. If individuals were on a 9-month rotation the cost to the industry would be significant. Do you agree, Chief Minister?

The Chief Minister:

I am going to hand that one over to Neil to give some of the detail.

Senior Policy Officer:

Again I think it is important that P.137 just deals with the migration controls. It gives you the levers, as the Chief Minister talked about, and the taps to turn up and down as the population policy sees fit to do so depending on which Council of Ministers have set that population policy. Again, we do not say in the migration control policy who would sit within those bands, so it may well be that an individual that you are talking about around construction may come into the 4-year time limited and I think it is also important to say those permissions are likely to be up to 4 years. So if a person was only required to be here for 3 then we would likely issue the permission for the time that was required for the project of which they were part.

Deputy G.J. Truscott:

I think you have covered off my question (b) there. Going on to the next question: will the system have enough flexibility to react to the changing workforce requirements?

The Chief Minister:

I think the short answer on that one is that is the intention.

Deputy G.J. Truscott:

Yes. Anybody else want to contribute?

Assistant Chief Minister:

Absolutely. That is going back to the data, Deputy Truscott, that means we can have a full understanding of the gap shortages in the local market and the areas that genuinely need to be fulfilled in order for our economy to not only survive but thrive. That is the absolute intent of this. Data and evidence supported enable the taps on and off in the different areas that are required in order to ensure that we are supporting those industries that have the skills shortages. It is also important when we are turning on a tap in a certain area as an example to be able to explain to an

area where the taps are not being turned on the evidence as to why those decisions have been made and that has got to be in a transparent way.

Deputy G.J. Truscott:

Thank you for that. I will hand you over to the chair now.

Senator S.W. Pallett:

Sorry, this is a slightly lengthier question. The panel have been advised that under the 6-month rule there could be unfairness in the healthcare provision. Someone who has returned multiple times 6 months a year for 10 years, say, would be unable to claim if they needed to visit the hospital despite paying contributions in successive years. The creation of a 2-tier system for access to health care would also breach the U.N. Convention on the Rights of the Child. How will this provision of healthcare be administered to ensure that there is an equitable system for all those who seek assistance?

The Chief Minister:

Again I will give you a high-level comment, which is broadly on page 35 of the report, which does say that migrant access to services such as healthcare, education and benefits is currently complicated and can be confusing with different rules operating in different parts of Government. So what we have said there is that does need to be reviewed and there does need to be a consistency of policy across at a departmental level. Perhaps Sue can pick up on the rest of the points that you have raised.

Director, Strategic Policy, Performance and Population:

Access to healthcare in Jersey is a little bit complicated at the minute and, as the Chief Minister has just explained, we will absolutely look at that as part of the benefit review. Some of those rules lie from the Health Insurance Law but those are simpler, if you like, in that once you have been in Jersey for 6 months you can access the G.P. (general practitioner) subsidies that are available through the Health Insurance Law. The access to the hospital, which is the one that keeps on starting again, it refreshes the eligibility each time you leave the Island; that is an internal policy administered by the Health Department to protect the way in which the hospital is run and we will absolutely look at that to see whether we can change those rules to make them more equitable for migrants.

The Chief Minister:

I think it would be helpful for Rowland to add to that as well.

Assistant Chief Minister:

This was a subject that came up on the policy board, which was addressed in detail and the recommendation was, to put it mildly, if we are inviting people to come over here to work in, shall we say, more physical work it is totally unreasonable if they unfortunately have an injury at work and we do not provide them with the full healthcare as if they were an ordinary resident. That is an unreasonable expectation. That was the intent that came out of the policy board. What has been discussed within the report behind P.137 is we just need to look at that to find out how it is to be funded and how it is to be administered, whether part of the social security card that a migrant worker is invited to have could just be presented at the hospital or whether there is an insurance-based funding process put together with the employer. That is an unknown and that needs research, but the intent is absolutely clear. We will support our migrant workers and their health if they are here for a short period of time.

The Chief Minister:

To give the other challenge that comes through, which I have had in the past as a constituent raised with me, equally if you have been here I think even as an Islander for 40 years and then go away if you come back after, I am going to say, a year and a half - and I might be wrong, it is a relatively short period of time - you are back into the same territory even though you have potentially paid taxes for 30 years or whatever period of time it is, that you will not have access. Even though you are resident on the Island, you will not have access to those health services until you have done your 6 months. There are some interesting anomalies that come through. There are other anomalies in other departments and that is why we are saying you need some consistency across the board there, but there are consequences to some of those decisions as well.

Senator S.W. Pallett:

To be clear, you talk about a review and you say you are supportive but can you reassure States Members that once these policies are implemented these issues will have been resolved by that time?

Assistant Chief Minister:

Can I just add to that? When I discussed earlier that we are now in the seller's market and not the buyer's market, it is absolutely important when we are inviting people to come over here, contribute to our society, that they see that as very much a benefit to encourage them to come here? Taking that away would be shooting ourselves in the foot by denying a great opportunity to ensure that we can invite people to come here and they can enjoy the best possible life they can while they are here supporting us.

Senator S.W. Pallett:

Can I take that as a yes, then?

The Chief Minister:

Yes.

Assistant Chief Minister:

You challenged a “yes” answer last time, but yes.

Senator S.W. Pallett:

What consideration has been given to how employers will be regulated and monitored?

The Chief Minister:

Again that comes down to having the right I.T. systems in place to allow you then to do the monitoring. Neil, do you want to add?

Senior Policy Officer:

The I.T. systems will give us better information on who is working where and in what capacity at any one time. The employment laws would apply in relation to the standards that people are actually working under.

Senator S.W. Pallett:

Thank you. This is an issue that has come up with several submissions. What work has been undertaken to provide analysis of the movement of employees between different industry sectors once they have achieved entitled status so we know where they are moving from, maybe from retail but to where?

The Chief Minister:

You will be delighted to know, Senator, that you will be unlikely to get a short answer because I am going to hand over to Deputy Huelin, because you are right into the territory of the availability of data, which is his pet subject. Over to Rowland.

Assistant Chief Minister:

I cannot add to that. This is exactly why we want the I.T. system, so that we can have that data in place, so we can make those informed decisions. I thank you for the question, because that is exactly what we want to be able to try to address with the implementation of data.

Senator S.W. Pallett:

So this is something that you are currently looking at, or is this something that you will be working towards?

Assistant Chief Minister:

It is working towards. As I said, the project manager has been put in place in order to develop these systems for us.

Senator S.W. Pallett:

In terms of now, what reporting and data are available about the number of people transitioning to entitled status?

Assistant Chief Minister:

Can I hand this one over to Sue, please?

Director, Strategic Policy, Performance and Population:

The Assistant Chief Minister talks about a new I.T. system, and this is really important. Our current I.T. system is very good at recording the transaction of asking for a card, or asking for a licence, but having recorded that information that it has given you the licence or it has rejected it, it does not keep a history of you. Our new I.T. system, the significant difference between the old and the new one, is that we will track people through their employment history, so we will have a migration I.T. system that records the fact that you came to Jersey in 2021 and you were working in a certain industry and in 2022 you went somewhere else and stuff like that. You would end up with what is called a longitudinal record, so you would have an historical record of each worker running through different industries and likewise we will keep a real-time record of how many employees are with each employer. At the minute we have a manpower survey twice a year, so only twice a year do we ask people how many people are working, how many licences have been used, how many permissions have been used, and we know that there are significant numbers of vacant licences around but I cannot tell you today how many vacancies there are because I do not know. I will know that at the end of December and the end of June but at no other time. Our social security employment data does not match up to our manpower data. None of them match up to what the statistics unit collate. The data that we collect is very specific at the moment and it does not help us see the picture as a whole. Holding the history of people working through the system is an absolutely key requisite of the new data system that we are setting up at the moment.

The Chief Minister:

I think also what you are seeing ties into the wider picture we have talked about on the I.T. systems as a whole, i.e., the nature of the systems that we have and the age of the systems we have is not giving us the overall information and data that we need. Using this example, this is exactly why we have had to put the investment in to hopefully then get the data out later, which can then inform the decisions we need to make going forward.

Senator S.W. Pallett:

Data is absolutely king, I think we would all agree, so again can I have some idea of timeframe, but while giving that answer will it also be able to provide information on which sectors are experiencing a skills gap, for example, and then that will give us an idea of how we can address policy in these areas?

[16:15]

Is that correct, that it will provide you with all that necessary data and when?

Assistant Chief Minister:

The answer to that is yes. It is a project. It is just beginning but it is intended to be delivered by, and I will hand over to Sue for that one.

Director, Strategic Policy, Performance and Population:

There is a £1 million capital allocation in the 2021 Government Plan budget and we would anticipate that the system will be up and running by the end of the year. I would imagine it will be close to the end of the year by the time it is running. We have started from scratch with a spec. Deputy Truscott asked earlier whether it would be an off-the-shelf system or bespoke. We do not know that yet; that is exactly what the project manager is currently having a look at. We are doing a good systems analysis, a good specifications capture to make sure that we get the right system in place. And you asked about the skills gaps, so the migration system will not record skills gaps. What it will record will be the skills and industries where migrants are working. There is already significant co-ordination between different States departments around skills gaps, skills analysis, lots of people are working on this at the minute and the work that is going to be done this year on the population policy will link into those pieces of existing work, and that is where we will get the skills gaps from. That is more of a survey type of work rather than a data collection type of work, where you will be talking to employers on a regular basis, seeing the kind of skills gaps they have got themselves and what the future demands are likely to be, so that we are both skilling up existing workers and also skilling up children to become future workers. That will be done outside of the migration I.T. system but absolutely feeding into that that information. We talked before about the expert panel, so you can see that the expert panel is going to be looking at the data from the migration I.T. system and the expert panel is going to be looking at the skills gap analysis being done by the skills experts over in C.Y.P.E.S. (Children, Young People, Education and Skills) and bringing those 2 things together to talk to the Ministers about what a future population policy will need to be in that future period.

Senator S.W. Pallett:

I could ask loads more questions around I.T. but we do need to move on. Can you confirm whether the intended proof of identification on I.D. (identification) cards would be photographic and can you confirm whether there is any evidence of misuse of cards under the current system that would warrant the addition of a photo I.D.?

The Chief Minister:

Again for the detail side I will hand to Sue. I am just looking at the proposition. It is the intention to include a photograph or alternative digital I.D. but I will let Sue/Rowland talk to that. I would personally not support it as what I would call an identification card, i.e., something you have got to always carry on you. Do not forget this is purely for Control of Housing and Work law purposes or migration purposes.

Director, Strategic Policy, Performance and Population:

Our absolute theme is about improving controls, so we improve controls by making sure we know who people are and therefore a photo would be useful for that. We have had instances of family members using each other's cards, so, yes, it has happened. I do not think it is particularly widespread but it is an issue and if you have a photograph that is better. Even better is digital I.D. and that is again we are talking about the broader I.T. changes that the Government need to make and creating a digital I.D. that allows you to access government services would be a really good thing. You can imagine that you could incorporate the need to create a digital I.D. when you first arrive in Jersey for people coming in for the first time. We would not require people already living here to have digital I.D. to start with, but that is something that we would like to work towards. It would be good for Government as a whole to be able to do that. Yes, the photograph or a digital I.D. is probably going to be required for new migrants coming in. I do not think there is any intention at the moment to ask existing residents. As people said, we are not asking people to have an identity card; we are asking for the registration process to be more secure. We want to do criminal record checks on everybody who comes in, not just people who come through the immigration system but everybody and that is part of that whole process.

Senator S.W. Pallett:

I am tempted to ask about digital I.D. but that will take us off in the wrong direction. In terms of a photographic I.D. card are there any elements of discrimination that you think could be an issue in regards to such cards that you have considered?

The Chief Minister:

I think that is one probably for Sue. Sorry, I think she has bounced that to Neil.

Senior Policy Officer:

Thank you, Chief Minister. Yes, there would have to be some considerations in relation to that. Obviously there are some cultures and religions that require people to wear head coverings and head scarves, so that would have to be taken into account. There are similar considerations for instance in applying for passports, but we would have to take that into consideration absolutely.

Senator S.W. Pallett:

Okay, thank you. Again it is time for me to hand over to Deputy Ahier and he is going to look at the independent panel.

Deputy S.M. Ahier:

Chief Minister, which existing States boards and panels can we expect the structure of the proposed independent panel to be based on?

The Chief Minister:

In essence for the independent panel along the lines of the Fiscal Policy Panel.

Deputy S.M. Ahier:

Which department will the committee report to and which Minister will have responsibility for the panel's operation?

The Chief Minister:

In essence it comes under the Control of Housing and Work Law and therefore, for the moment, it would come up to the Chief Minister and I think that would be the intention, for it to remain there.

Deputy S.M. Ahier:

How will the experts be sourced? How will you ensure diversity? What type of expertise will you be particularly looking for and what emphasis will be placed on non-business areas such as community support and human rights?

The Chief Minister:

On all these things it would be under the auspices of things like the Jersey Appointments Commission but I will hand over to Rowland to give some of the detail because I know it is something they have been considering at the moment.

Assistant Chief Minister:

Yes, very much this will come under the umbrella of the Jersey Appointments Commission and the rules are very clear. The way we cast our net to ask people to apply is as far and as wide and as diverse as possible to encourage all people, all colours, creeds, faiths and sects regardless to apply.

However, the Jersey Appointments Commission is very strong on after that when we are down to the applications the selection will be made on merit and merit alone. The challenge we have is probably like the Fiscal Policy Panel, which is a very small number, 3 people, of absolute experts in their field. We will be probably a similar-sized panel, 3 or 4, I do not know, but we will be looking at experts in population, statistics, et cetera, that bring direct relevant skills that we require in order to inform our population policy.

The Chief Minister:

Thank you. The crucial thing there is to make the point in the proposition that it is in principle and obviously the detail will come back in the law.

Deputy S.M. Ahier:

Would the terms of reference for the board and for the panel be able to be provided to us in confidence?

The Chief Minister:

As and when they have been produced, yes, that is absolutely not a problem. This is in principle.

Deputy S.M. Ahier:

Yes. What are your views on Deputy Perchard's amendment to the proposition and will you be accepting it?

The Chief Minister:

I am handing that one to Rowland who has been working on this.

Assistant Chief Minister:

We are in active and positive discussion with Deputy Perchard. We all know that it is a matter that she takes very seriously, and quite rightly so. However, we are discussing with her how to work around the Jersey Appointments Commission ways of appointing such boards that is paramount to the way that we do things. We are in discussion so watch this space.

Deputy S.M. Ahier:

The Corporate Services Scrutiny Panel recommended as part of their Population and Migration report's findings and recommendations that: "Clarity is needed on how the Island measures the value of residents, including how we define, measure and monitor different kinds of contributions" and that social value should be acknowledged along with fiscal and economic value, recommendations that you accepted. How will you ensure that the independent panel adheres to this?

The Chief Minister:

I think the crucial thing is that comes down to the population policy. I think part of it is generated by the initial piece of work probably I set going because we did not have any data, which was on purely the financial contribution. It was very much making the point, and I think I was very clear at the very beginning on that, and I probably wrongly used the expression, there was no “morality” attached to it, or it was purely a hardnosed financial position. As politicians we then add on the layers of ethics and morals and all that type of stuff on top of it, which takes account of the social contributions of individuals but we needed to start somewhere in the absence of having any information. The work was done by Statistics Jersey and it was a very detailed piece of work that I think they were very interested in doing but it was one that had been long outstanding. At least it gives you a basis for then building up on top of that, but your social value and social contributions are very important as well, but that falls into the population policy. Rowland, have you got anything to add?

Assistant Chief Minister:

Not a lot, but it is absolutely quite clear the tensions that we have between economic, the environment and the community. It is trying to solve those tensions, which is why a population policy has been so long in forthcoming, because it is a very difficult subject to address. Compromise is going to have to take place, however that is why the independent panel will be here and would advise on that and will engage heavily in the local community to understand those tensions and what the Island really wants. That is why it is a difficult one.

Deputy S.M. Ahier:

Will the minutes of the independent panel be published where it is deemed appropriate?

The Chief Minister:

I think we will cover that off when terms of reference come through. From memory I do not recall the Fiscal Policy Panel minutes are published, but we will deal with that when we get to the terms of reference and how that is brought together. As we have said, this is an in-principle initially, to just get the agreement that we can proceed on that level of detail.

Deputy S.M. Ahier:

Thank you, Chief Minister. I will pass over to Deputy Truscott now, thank you.

Deputy G.J. Truscott:

Thank you, Deputy Ahier. Chief Minister, which existing bodies will you base the committee of States Members on?

The Chief Minister:

I am sure the Deputy will be delighted to know we are thinking about the Planning Committee.

Deputy G.J. Truscott:

Yes, indeed. Really? Will these positions be elected or appointed? Based on that, they are elected, are they not?

The Chief Minister:

I suspect when we get to the detail it may well be a mixture. You will certainly have to have, I would say, a number that will be elected by the Assembly. I think again we have not got to that level of detail, which would come back on the law, but whether for the sake of argument the Chief Minister appoints somebody to chair it and then the rest are elected by the Assembly or a mix, whatever it is, that will come down in the detail.

Deputy G.J. Truscott:

I think importantly what ratio of executive to non-executive States Members do you envisage?

The Chief Minister:

We have not got to that level yet, I do not think. Again it is going to be in consideration when we get to the level of detail.

Deputy G.J. Truscott:

Based on that consideration, could or would the chair be a member of the Executive or will they be elected by the Assembly?

The Chief Minister:

Again getting down to the level of detail. It is an interesting one because we use the Planning Committee. The other considerations are anything ranging from P.P.C. (Privileges and Procedures Committee) to the States Employment Board, and even the Public Accounts Committee where you have got a range and mixture of members. Obviously S.E.B. (States Employment Board) is a mixture of Executive and non-Executive as you know.

[16:30]

P.P.C. includes people nominated in consultation with the Chief Minister but obviously elected by the Assembly and the Planning Committee is different again. We have got various models within the various bodies of the Assembly and I think it gives you a flavour that we want a mix of members on there to give that right balance, but it will be equally an important body to be on.

Deputy G.J. Truscott:

What statutory powers will the committee have to affect the outcomes of decisions relating to the Housing and Work Law and could these be provided to the committee before they are lodged?

The Chief Minister:

I will certainly go to Sue. Before they are lodged absolutely but I will hand over to Sue for the detail.

Director, Strategic Policy, Performance and Population:

I think as the Chief Minister has just explained, P.137 is a policy proposition, so a proposition in principle, if you like. All the details that you are asking about would need to be included within the changes to the Control of Housing and Work Law, so those will come back to debate later in the year and at that point Scrutiny Panels will have a chance to scrutinise and Members will have a chance to put in amendments. The exact nature and function of those various committees can be debated at that time. We are just not quite at that planning stage just yet, at that level of detail.

Deputy G.J. Truscott:

My last question on this, it does go into the minutiae to a degree but how will the minutes of the committee be recorded? Will they be published or available to view by parties interested in understanding the reasons behind certain decisions?

The Chief Minister:

I think that is going to be something again you would have to consider at that point. I rather suspect it might be in accordance with legal advice as well because depending on the nature of the decisions that are being taken, which may well be private commercial decisions or private commercial considerations and privacy and all the rest of it you would need to consider very carefully how that operates going forward.

Deputy G.J. Truscott:

Thank you, Chief Minister. I will hand you over to the chair.

Senator S.W. Pallett:

Thank you, Deputy Truscott. We are going to move on to the Migration Policy Development Board and the Corporate Services report. What consultation did you and officers have with former members of the Migration Policy Development Board when drafting the proposition?

The Chief Minister:

I think I will hand over to Deputy Huelin, who is on the board, to comment on that. Obviously Deputy Martin is a Minister and has gained feedback, as has Deputy Young. Rowland?

Assistant Chief Minister:

Thank you. The board was put together by the Chief Minister's desire to have policy boards to inform and advise him. That is exactly what the report did. It advised the board. If there is any continuity of it, and I know we have had some changes in the runners and riders of this along the line, but I have been in the policy board from the outset, I think maybe the second meeting and I would suggest that is the continuity that the Chief Minister wanted when he invited me to take up this role within the Government.

Senator S.W. Pallett:

Moving on from that, in what ways would you say that P.137 diverges from the findings and recommendations of the policy development board's work?

Assistant Chief Minister:

It has taken on the majority of the recommendations. I think the couple we did I have already pointed out is healthcare and social security where I think the recommendations, shall we say, were stronger in what would be delivered and have come out within the report as more advisory and more information required on the finances. Otherwise, there should be no surprises to anybody reading P.137 who has also read the findings of the policy board.

Senator S.W. Pallett:

Okay, but we know that several recommendations including the commitment for further work to be undertaken to consider whether a change in minimum wage levels could assist with the control of net migration into specific sectors are not included in the proposition. Will you commit to include work on this in the development of a common policy?

The Chief Minister:

I will let Sue comment on some of the detail, but that becomes part of the future population policy I would have suggested, and certainly in relation to the minimum wage. That is essentially part of ongoing work within the Council of Ministers.

Director, Strategic Policy, Performance and Population:

I think the feeling of the Council of Ministers was that the specific issue of minimum wage was not a key issue that needed to be addressed by the Control of Housing and Work Law straight away. Things have moved on since P.137 was published and there is now a commitment in the Government Plan to review the minimum wage process and I think also the future economy

programme is very interested in the minimum wage rates. Therefore I think Government retains a strong interest in minimum wage rates and they will be addressing it and the population policy will come back around with the future economy programme to make sure there is a consistent and coherent approach to that.

Senator S.W. Pallett:

Thank you. We have touched on this previously, but the board also made recommendations related to free subsidised healthcare, social security contributions and Government-funded services for migrants. We know that it is unclear in the proposition what guarantees will eventually be provided. Can we therefore expect this to be a point of divergence between the common policy and the recommendations of the Migration Policy Development Board?

The Chief Minister:

Apologies, you broke up in the middle of it. Could you repeat the question?

Senator S.W. Pallett:

I will repeat the question. The board's report also made recommendations related to access to free subsidised healthcare, social security contributions and Government-funded services for migrants. We have already touched on this a little bit. We know that it is unclear in the proposition what guarantees will eventually be provided. Can we therefore expect this to be a point of divergence between the common policy and the recommendations of the Migration Policy Development Board?

The Chief Minister:

I think the short answer on that is no, and the reason I say that is because what we said is we will undertake a review of all the Government-funded services, and that is as laid out on page 35 of the report coming in under the proposition.

Senator S.W. Pallett:

So why is further work required on these particular areas in contrast to other parts of the proposition, which largely accept the finding of the board?

The Chief Minister:

I think it is really identifying, as we have said earlier, that there are different departmental policies, if you like, that go across a number of the ministries and how they are applied. Therefore it is really then trying to get to a common position, which will then probably come through either the population policy or within discussions at the Council of Ministers. I think we need to (a) identify all the various discrepancies there are, and (b) try to get to a harmonised position. I think that is the simple answer. I do not know whether Sue or Rowland might want to add to that.

Assistant Chief Minister:

Senator Pallett, you wanted the “yes” answer when I gave you the slightly longer answer before.

Senator S.W. Pallett:

You gave me a “yes” answer. That was good.

Assistant Chief Minister:

We are behind this one and I stand that the policy board was very much supportive of ensuring our migrants that come and support our Island have the healthcare and have the social security that we have discussed beforehand. The intent is there. This is merely ensuring we find the right place and the right funding and understand how much it is going to cost. That does not mean to say that the intent is not to deliver it.

Senator S.W. Pallett:

The Corporate Services Panel’s Population and Migration report included a recommendation that the policy development board should aim to include the voices of children and young people in its work. How do you intend to carry this recommendation forward into the work of the independent panel and what role will the Children’s Commissioner play within this?

The Chief Minister:

I think when we get to the point of developing the population policy that will probably be the right point to bring it in. Obviously the point has been made that anything around migration does affect future population levels and therefore it is of interest to all generations, particularly the younger generation. While I am talking I am acutely aware we started on time but we are just getting past the hour and a half. How many more questions have we got at this stage?

Senator S.W. Pallett:

We have still got about another dozen questions, so I think we may be sending you some of these in writing. We will work our way through and see where we get to. Picking up on that, I know the Children’s Commissioner when we had a briefing with her was concerned about how the voices of children were going to be heard, not just in the future but how they have been heard in the past. Can you give us some reassurance that children and children’s voices and young people’s voices will be heard?

The Chief Minister:

The short answer is the intention as the population policy is put together is then to work a bit closer with the Children’s Commissioner on taking advice on how best that might be achieved.

Senator S.W. Pallett:

Will that be formally or informally? Again, I think there was some concern that she needs to have more of a formal role in this area.

The Chief Minister:

I will leave that to Rowland as it is worked through but no doubt she will give formal advice. I have to say I would much prefer to have an informal role because that tends to be a bit more flexible, but that is very much down to whichever way she prefers to play it, from my perspective.

Senator S.W. Pallett:

Thank you. The panel's report recommended that English language classes should be provided for people arriving into Jersey, but this option is not referred to in the proposition. What consideration has been given to this while preparing P.137 and what consideration will be given to it in the development of the common policy?

The Chief Minister:

I think you put that down to the review of general services. Do not forget P.137 is principally focused on controls and obviously that is not a control. It is effectively a service.

Senator S.W. Pallett:

So that will follow on and there will be more detail on that as we move forward?

The Chief Minister:

Yes.

Senator S.W. Pallett:

Given the importance of English to the access of services and for children to access their rights, what resources are being made available to provide intensive language support in schools through the English as a foreign language team? Can you confirm that this team's funds have recently been cut, reducing the provision available and what resources will be available in future?

The Chief Minister:

I am afraid I cannot answer that question. I was more focused on the controls position. We will have to come back to you on that, I am afraid.

Senator S.W. Pallett:

Okay, that is really important and we would appreciate a reply on that. We are going to move to another section now, so I am going to hand over to Deputy Ahier again, who I think is going to deal with common policy.

Deputy S.M. Ahier:

Thank you, Chair. Chief Minister, what preliminary work, aside from the work of the Migration Policy Development Board, have you undertaken with the Council of Ministers to begin work on a common population policy?

The Chief Minister:

I will hand over to Rowland, because I know he is just starting work. Can I just make a suggestion that we perhaps aim to stop at about 4.45 p.m. and then if you send the rest of the questions to us? The only reason I say that is because I am acutely aware that I have got another commitment which I am now running late for. I will hand over to Rowland.

Senator S.W. Pallett:

Chief Minister, I was informed that you were available until 5.00 p.m. Has that changed back to your original plans?

The Chief Minister:

The diary said an hour and a half, which is to 4.30 p.m. I know I have got a couple of commitments at the end of this, which were due to start about 10 minutes ago. I will hand over to Rowland.

Assistant Chief Minister:

I am working very closely with the officers at the moment to put a compressed timescale plan in place in order to try to get a population policy lodged. It has got to be lodged by I think late October, if it is going to be debated in 2021. The compressed timetable obviously has its significant challenges. One of the areas I have learned in my reading is very little has changed over the last 5 or 10 years. The same questions are still being asked and the same issues are still outstanding. I am working on ways to try not to reinvent the wheel but also make sure that nothing that has materially changed is not included in our deliberations. I have got some ideas in order to, shall we say, shortcut without compromising the process but they are still in draft mode and I will be delighted to share them with you when they are delivered. You are going to ask when and the answer to that is imminent.

Deputy S.M. Ahier:

What influence will Assistant Ministers and non-Executive members have on creating the common policy?

[16:45]

Assistant Chief Minister:

I have had an informal gathering to share some ideas, which I am working towards formalising and extending out invitations to other Members of the Assembly who wish to partake in those deliberations.

Deputy S.M. Ahier:

Are you optimistic that a common policy can be delivered in the time this Assembly has left?

Assistant Chief Minister:

The answer to that is no, however we have been asked to deliver it and my biggest fear is it will be a compromise solution that will not necessarily stack up to the heavy scrutiny that it should do and deserves to do. Yes, I am concerned about it because you have mentioned a lot of the deliberations and consultations we would like to take place, certainly with the Children's Commissioner, et cetera. Yes, I do fear that with all the other major issues that are going on in the Island at the moment we might not be able to do it as well as we would like and as well as the Island would want us to do.

Deputy S.M. Ahier:

Thank you and with an eye on the time I will pass over to Deputy Truscott who has one more question, I believe.

Deputy G.J. Truscott:

We are bang on 4.45 p.m. and I understand the Chief Minister needs to go now, so I am just wondering, Chair, whether we should call a halt here and agree to forward on the remaining questions.

Senator S.W. Pallett:

I think that is wise. What we will do, if it is okay with you, Chief Minister, we have got a number of questions that we have not been able to put today. If we could provide them to you in written form and I would ask that you can respond as soon as possible. Clearly we are on a tight deadline to provide the report, so if that is reasonable, will you accept that?

The Chief Minister:

Yes, that is fine.

Senator S.W. Pallett:

Let us end the meeting now. Could I just thank you, the Assistant Chief Minister and your officers for attending today? It has been important for us to be able to put our questions to you and I think the responses have been excellent and it has given us a lot to think about in terms of report writing. I thank you for your time and I hope you have a good weekend.

The Chief Minister:

Thank you very much. I think the key thing on this is the foundations and to start getting the controls in place. How they are applied is then a matter for the politicians later. Thanks very much. Have a good weekend.

[16:47]