



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Tuesday, 15th March 2016

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Miss M. M. E. Pullum, Q.C. (H.M. Comptroller)

People's Deputies

St Peter Port South

Deputies P. A. Harwood, J. Kuttelwascher, B. L. Brehaut,
R. Domaille, A. H. Langlois, R. A. Jones

St Peter Port North

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,
R. Conder, C. N. K. Parkinson, E. G. Bebb, L. C. Queripel

St Sampson

Deputies G. A. St Pier, P. L. Gillson,
P. R. Le Pelley, S. J. Ogier, L. S. Trott

The Vale

Deputies M. J. Fallaize, D. B. Jones, L. B. Queripel, M. M. Lowe,
A. R. Le Lièvre, A. Spruce, G. M. Collins

The Castel

Deputies D. J. Duquemin, C. J. Green, M. H. Dorey,
B. J. E. Paint, J. P. Le Tocq, S. A. James, M. B. E., A. H. Adam

The West

Deputies R. A. Perrot, A. H. Brouard, A. M. Wilkie,
D. de G. De Lisle, Y. Burford, D. A. Inglis

The South-East

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,
M. G. O'Hara, F. W. Quin, M. P. J. Hadley

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier)

Absent at the Evocation

Deputy K. A. Stewart (*relevé a 9h 45*)

Business transacted

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Ian Corder, C. B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

Welcome to His Excellency the Lieutenant-Governor

The Senior Deputy Greffier: Billet d'État VII – Article I – The continuation of the debate.

The Bailiff: Before the debate continues, Your Excellency, on behalf of all Members of the States of Deliberation, it is my very great pleasure to extend a warm welcome to you as you take
5 your seat in the Assembly for the very first time.

You will be notified of every meeting throughout your term of office and we look forward to seeing you regularly, (*Laughter*) especially after you are able to be here permanently. However, I have to warn you that, unlike the rest of us, you will have to wait five years, that is until the end of your term, before you will be permitted to speak. (*Laughter*)

10 This, your first meeting, is indeed special. It is the fifth day of a debate on the Education Department's policy letter on secondary education. I cannot recall any other debate that has continued for so long. It is a subject about which many people, both in this Chamber and in the community hold strong views. Without expressing any sort of political view I can safely predict that the end of this debate is not yet in sight. (*Laughter*)

15 Whatever may be decided, I am sure that you will want to take a close interest in our schools and of course in our youth, for as long as you will be with us.

You referred yesterday to our imminent General Election, which you will be watching with interest. I can safely make another prediction: when we reassemble in May, the States will look different. There will be some new faces. In fact there will be seven fewer faces, as the number of
20 Deputies will have reduced from 45 to 38. The Policy Council, whose Members are seated on either side of us, will no longer exist. In short, we will have a new Government and a new Government machine.

As I mentioned yesterday, the States' can trace its routes and its origins back to ancient Norman times. However, its constitution has changed considerably since then especially in the
25 post war period. It was as recently as 1949 that the Jurats and the Anglican rector ceased to be members. Since then, we have had a variety of electoral systems that have included Conseillers, elected first of all by an Electoral College and then by Island-wide suffrage. We had Douzaine Representatives elected by their respective Douzaines; and for a time we had Deputies elected in each of the ten Island Parishes. But for the past 12 years the Assembly has comprised People's

30 Deputies elected in each of seven electoral districts. In the forthcoming election the districts will not change, but as I have said the number of Deputies will reduce.

So, as you can see the Constitution has evolved over the years. It may change again at the next election as the possibility of the island wide voting is to be further considered and debated. (**A Member:** Hear, hear.) (*Laughter*)

35 I have so far omitted to speak about the two Alderney Representatives, who may well be looking more relaxed than their Guernsey colleagues. That may just be a function of the Alderney character, but more likely the fact that they know that *they* will still be here in May. I am sure they are looking forward to welcoming you to their Island States when you are able to attend that Island.

40 I am delighted that as well as welcoming you, sir, we also able to welcome Mrs Corder, who may be pleased to know that there is no expectation that she should attend our regular meetings, (*Laughter*) although she is of course very welcome.

It occurs to me that the presence of you both here today symbolises many things. Firstly that you both share a desire to learn as much as possible about your new home; secondly that you will enjoy working together as a team to fulfil your many duties. And finally perhaps it shows how pleased you are, both of you, to be here. May I say that the pleasure is mutual.

45 We are delighted to welcome you both and we look forward to your company and support over the next five years.

Thank you, sir. (*Applause*)

Billet d'État VII

EDUCATION DEPARTMENT

I. The Future Structure of Secondary and Post-16 Education – Debate continued

50 **The Bailiff:** Now we move on with debate and I have been advised that a sursis is to be laid by Deputy Lowe, seconded by Deputy Brouard.

I believe it has been circulated, everybody should have copy.
Deputy Lowe.

55 **Deputy Lowe:** Thank you, sir. Yes, it has been circulated.
Sir, the wording on the sursis is:

To sursis all propositions and direct Education or their successor to undertake further research and public consultation before reporting back to the States as soon as practicable

Sir, there has certainly been so much uncertainty since the decisions last week in the States, and we all know that there have been petitions and many people have contacted us, which has really been unprecedented on such a major issue as Education.

60 No decision which school will close – that is uncertainty. No business case or evidence base before last week's decision – that is uncertainty. Schools are now competing against one another, why they should stay open. That too is causing some discomfort and unpleasantness between everybody.

65 The petitions, sir, with over three thousand signatures, were raised and reported in less than 48 hours. That I believe speaks volumes of the major concerns that the community have about the decisions that were made last week.

Will Beaucamps be starting a petition to extend objecting to possible extension? Or will Beaucamps add a petition not to close their school as they are not safe yet under the three-school option.

70 St Sampson's High was built smaller than original plans, that was to do with T&R objecting to the new school being too big. Will there now be extra costs to extend?

The Grammar School closure has been thrown in the mix over the weekend with possible moving the college of FE to the Varendes site. Whereas eight parishes have pupils at La Mare, with only the South-East Deputies, St Martin's and St Andrew's, without a legal representative on the school management committee. Yet all parishes and their parishioners, whether on the electoral roll or not, will be affected if the Grammar School closes, regardless of the 11-plus removal or not. Pupils will be moved to three high schools across on the Island. We have no idea where the three school catchment areas will change.

80 Can I remind Members of only a matter of two years ago, the outcry of where we were talking about just moving seven families from the Castel that were potentially going down to La Mare, and the horror that that caused by some of the things that were said at that time?

What a legacy the States intends leaving their mark on and causing so many unknowns for pupils, parents, teaching staff and our community. If there was a report from the schools I suggest they would say, 'The Class of 2012 report – could do better.' (**A Member:** Hear, hear)

Unprecedented designing, an education system and school premises on the floor of this House without any detailed report and, more importantly, without consulting those involved is really not acceptable.

90 I therefore ask States Members to support the sursis and go through the proper due diligence process of consulting with our community, once an *informed* plan has been put together by the Education Department. And I thank Deputy Brouard for kindly seconding my sursis.

The Bailiff: Deputy Lowe, have you given thought to whether Rule 13(2)(b) applies to the sursis? (*Laughter*)

95

Deputy Lowe: I did, sir.

The Bailiff: Do you share the Procureur's view, and my view, that the Rule does apply?

100 **Deputy Lowe:** It does, sir, it does. I can ask the States' Members if they would be minded to allow the sursis to.

The Bailiff: Well we will have to lay a motion to suspend Rule 13(2), to enable the sursis to be laid.

105

The Procureur: There is one around, sir. I prepared it as long ago as twenty past nine. (*Laughter*)

Deputy Lowe: And I thank the Procureur for doing so, sir.

110

The Bailiff: Well I do not think we need to have it circulated, I will just read out what the wording of it is if it is passed up to me.

Deputy Brouard, are you happy to second this procedural motion as it started here?

115

Deputy Brouard: I am happy to second, sir, thank you.

The Bailiff: I will just read it:

The motion is under section 7(1) of the Reform (Guernsey) Law, 1948, proposed by Deputy Lowe, seconded by Deputy Brouard.

To suspend Rules 13(2) and 15(2) and any other provisions of the Rules of Procedure to the extent necessary to permit the amendment set out below to be debated and take effect.

120 In fact, it is the sursis set out below, I think that should read and the sursis is as Deputy Lowe read it earlier.

So – Deputy Ogier?

125 **Deputy Ogier:** Would you be able to remind the Assembly which rules that it falls foul of and why, sir?

The Bailiff: It falls foul of Rule 13(2) which provides that:

A Member who proposes to move an amendment or sursis (other than one proposed on behalf of the Department or Committee submitting the original proposal or one proposed by a lead requérant

– which obviously does not apply – that is the introductory wording to 13(2).

Then:

‘(b) to a proposition relating to expenditure which may have the effect of –

(i) increasing expenditure; or

(ii) substituting another contractor; or

(iii) altering the timing of any works’

130 So 13(2) does seem to be engaged in relation to these Propositions.

Deputy Ogier: Well, for completeness, sir, of course what it says is that a Member who wants to move such an amendment or sursis must give at least seven clear days’ notice of it.

135 **The Bailiff:** Yes, I was just going to carry on and read that. So it is the failure to give the seven clear days’ notice of this sursis. That is why we have seen some other amendments in this debate in respect of which there have been motions to suspend the Rules to enable them to be laid.

And then Rule 15(2) I am sure you are familiar with, but essentially it is that Rule.

So, Members, I put to you the motion that the Rules be suspended as necessary to permit the sursis to be laid. Those in favour; those against.

Some Members voted Pour, others voted Contre.

140 **The Bailiff:** I require a recorded vote to be certain as to which way that has gone.

Deputy Stewart is present – he could be *relevé*.

Deputy Stewart, do you wish to be *relevé*?

145 **Deputy Stewart:** Yes, sir.

The Bailiff: Sorry, I had not noticed that he had entered the Chamber. (*Laughter and interjection*)

A Member: He is so quiet!

There was a recorded vote.

Not carried – Pour 17, Contre 30, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Domaille	Deputy Harwood	None	None
Deputy Langlois	Deputy Kuttelwascher		
Deputy Le Clerc	Deputy Brehaut		
Deputy Gollop	Deputy Robert Jones		
Deputy Parkinson	Deputy Sherbourne		
Deputy Le Pelley	Deputy Conder		
Deputy Ogier	Deputy Bebb		
Deputy Trott	Deputy Lester Queripel		
Deputy David Jones	Deputy St Pier		
Deputy Laurie Queripel	Deputy Gillson		
Deputy Lowe	Deputy Stewart		
Deputy Dorey	Deputy Fallaize		
Deputy Paint	Deputy Le Lièvre		
Deputy Perrot	Deputy Spruce		
Deputy Brouard	Deputy Collins		
Deputy Wilkie	Deputy Duquemin		
Deputy De Lisle	Deputy Green		
	Deputy Le Tocq		
	Deputy James		
	Deputy Adam		
	Deputy Burford		
	Deputy Inglis		
	Deputy Soulsby		
	Deputy Sillars		
	Deputy Luxon		
	Deputy O'Hara		
	Deputy Quin		
	Deputy Hadley		
	Alderney Rep. Jean		
	Alderney Rep. McKinley		

150 **The Bailiff:** Well, Members, the results of the voting on the procedural motion to suspend the Rules to enable the sursis to be laid was 17 in favour; and with 30 against I declare that motion lost.

We therefore move on to an amendment, which I believe has been circulated, to be proposed by Deputy St Pier, and seconded by Deputy Le Lièvre which again cannot be laid unless the Rules are suspended.

155 So the first thing is ... I will put to you the procedural motion to suspend rules 13(2) and 15(2), and any other provisions of the Rules of Procedures to the extent necessary to permit the amendment to be debated and take effect.

160 Has everybody seen the amendment? Do they know what it is that we are ... ? Does anybody require it to be read at this stage?

Yes, Deputy Gollop? Do you want it read? (*Interjection by Deputy Gollop*) Well, if we get into the amendment, otherwise if everybody has seen it I think we can just, to save time, take the procedural motion on its own, (**Members:** Hear, hear.) which as I say is to suspend the Rules. So it's similar to the procedural motion you have just voted on.

165 To be proposed by Deputy St Pier, and seconded by Deputy Lièvre, is that right – the procedural motion? (**A Member:** Yes, sir.)

Deputy Lièvre, are you seconding that? Yes.

So, voting on that procedural motion, those in favour; those against.

Some Members voted Pour, others voted Contre.

170 **The Bailiff:** I believe that is carried, but if anybody requires a recorded vote to be certain, then we can a recorded vote. (**A Member:** Yes, please.) Yes, can we have a recorded vote?

There was a recorded vote.

Carried – Pour 37, Contre 10, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Harwood	Deputy Le Pelley	None	None
Deputy Kuttelwascher	Deputy Trott		
Deputy Brehaut	Deputy David Jones		
Deputy Domaille	Deputy Lowe		
Deputy Langlois	Deputy Collins		
Deputy Robert Jones	Deputy Paint		
Deputy Le Clerc	Deputy Brouard		
Deputy Gollop	Deputy De Lisle		
Deputy Sherbourne	Deputy Hadley		
Deputy Conder	Alderney Rep. Jean		
Deputy Parkinson			
Deputy Bebb			
Deputy Lester Queripel			
Deputy St Pier			
Deputy Stewart			
Deputy Gillson			
Deputy Ogier			
Deputy Fallaize			
Deputy Laurie Queripel			
Deputy Le Lièvre			
Deputy Spruce			
Deputy Duquemin			
Deputy Green			
Deputy Dorey			
Deputy Le Tocq			
Deputy James			
Deputy Adam			
Deputy Perrot			
Deputy Wilkie			
Deputy Burford			
Deputy Inglis			
Deputy Soulsby			
Deputy Sillars			
Deputy Luxon			
Deputy O'Hara			
Deputy Quin			
Alderney Rep. McKinley			

The Bailiff: Well, Members, the result of the voting on that procedural motion was 37 in favour; and with 10 against I declare it carried.

We will therefore move on to debate the amendment. Do you wish it to be read, Deputy St Pier for the benefit of those listening?

175

Greffier, could you read the amendment?

The Greffier read out the amendment.

The Bailiff: Deputy St Pier will open the debate.

In Proposition 1A, to delete all the words after 'schools' and substitute: ', ideally of a broadly comparable size but in any event of a size capable of securing equality of opportunity for all students'; and to delete Propositions 2 to 5 inclusive and substitute:

'2. To direct that as soon as practicable, but in any event during 2016 or 2017, the Committee for Education, Sport & Culture shall submit a policy letter to the States with the capital and revenue implications and recommendations in respect of:

a) the optimum changes to the education estate which are necessary to give effect to the States' policies contained in Propositions 1 and 1A, provided that the Committee shall first have considered the following options:

i) redeveloping a secondary school at La Mare de Carteret; and ceasing 11 to 16 education at Les Varendes and consolidating post-16 education, including sixth form studies and the College of Further Education, at Les Varendes and Les Ozouets; and

ii) maintaining 11 to 19 education, i.e. including a sixth form, at Les Varendes; and ceasing 11 to 16 education at La Mare de Carteret.

b) any changes to the education estate which are considered necessary in relation to the facilities and services other than the secondary school previously proposed as part of the redevelopment of the site at La Mare de Carteret, e.g. pre-school, primary school, communication and autism centre, enhanced sports facilities and community facilities.

c) any changes to the education estate not incorporated in a)i) and ii) above which are considered necessary to develop the College of Further Education, the need for which has been recognised by the States on several occasions and is referred to in that Policy Letter.

d) the role, consistent with Proposition 1, of the grant-aided colleges (Blanchelande College, Elizabeth College and The Ladies' College) in the provision of secondary education and detailed proposals for any new funding arrangements with those grant-aided colleges together with the rationale for the quantum of grant-aid recommended.

3. To agree that pending the completion of any capital works approved by the States following their consideration of the policy letter envisaged in Proposition 2, it may be necessary to provide funding both to maintain the existing schools at La Mare de Carteret and to ensure the recruitment and retention of secondary school teachers.

4. To delegate authority to the Policy & Resources Committee to provide funding from the Capital Reserve and the Transformation and Transition Fund, as appropriate, to the Committee for Education, Sport & Culture to allow the Committee for Education, Sport & Culture to give effect to Propositions 1, 1A, 2 and 3 and to direct the Policy & Resources Committee to report to the States within six months of any use of this delegated authority.'

Deputy St Pier: Sir, last Thursday I said the only logical solution, the only obvious solution, the only sensible solution is to close La Mare.

180 From the very many emails which we have all received it is clear that choosing to express my personal opinion in that unequivocal language, has caused anxiety and anger for many in the La Mare community – students, parents and teachers. (**Several Members:** Hear, hear.) And I accept that if sometimes I forget that my title alone, Treasury Minister, may attach more weight to my words outside this Assembly than inside it; (*Laughter*) where Members of course know that I am merely one of 47.

185 Members will know that it was not my intent to upset those associated with La Mare and I wish now to unreservedly apologise to them for having done so.

And in a similar vein, I would like to apologise on behalf of the States of Guernsey to the La Mare community. They have been on a merry dance and on an emotional rollercoaster for years in relation to a possible rebuild. It is very easy to paint and to blame those nasty tight-fisted men from Treasury, who do not want to spend any money, but we have been consistent in our position, that the Education estate must follow Education policy and we need to make some key decisions in relation to that before we can proceed.

190 The States agreed with that last May and the States agreed again with that position last week; and it seems to me that our obsession with the development of buildings has blinded us as to what they were needed for.

195

So I do hope that the new Scrutiny Management Committee will consider lifting the drains on this issue as we have to avoid this sort of situation arising again. It is inefficient, ineffective and unfair on our community.

200 Sir, having said last week that in my view the only logical, obvious and sensible solution was to close La Mare, I accept that this may not be the *only* solution; for example, I have acknowledged too – albeit, not last week in my speech – that another solution may in fact involve building a larger school on that site.

205 So, where are we this week? We have made two key policy decisions: to adopt a non-selective system, in a three-school model – even though many in this Assembly and many outside, of course, clearly felt that it would have been better if those decisions had been made much earlier in this political term.

210 Today we are at a crossroads. We have several routes in front of us. The first is a dead end, a sursis, and we have already rejected that twice. (**Several Members:** Hear, hear.) The second involves us doing a U-turn and going back to where we started four days ago – in other words, to throw everything out. That will clearly appeal to some but by demonstrating neither appetite nor ability to make any decision after four days of valuable debating time, in my view that demonstration of vacillating weakness would reflect very badly on all of us, but especially on those who support such an outcome. (**A Member:** Hear, hear.)

215 The third route is to decide today to adopt Education's three-school model option c) – in other words to build a larger secondary school at La Mare and close the Grammar School site as an 11 to 18 school, and turning it into a site for post-16 education.

220 Education have of course outlined the cost implications of this in their policy letter, but we have no idea of what the other implications will be, for example the anticipated relationships between a post-16 site and the secondary schools, or the College of Further Education; or the expected impact on educational outcomes; or the impact on staff recruitment, and so on. But let's be very clear, route three is making educational policy fit around the Educational estate, rather than the other way round.

225 The fourth route is to decide to close La Mare and get on with planning to accommodate its students in the other sites as quickly as possible. Whilst this has fewer implications in educational policy terms, we have no idea of a practical timeframe, or any detailed capital or revenue costings.

Routes three and four would be the 2016 equivalent, of the 2001 Torode Amendment, a last minute solution that feels right, but with unknown consequences down the line.

230 Both routes three and four, to decide to build La Mare or to decide today to close it, will create greater certainty. Route three will be particularly attractive to some. Contracts could be signed on the rebuild within weeks, effectively contractually locking-in the decisions made last week, especially on a three-school model.

235 And so to the fifth and final route available to us, and that is embodied in the amendment before you. It tells Education to go away and look at options three and four – a three-secondary school model with or without La Mare, and come back with their recommendations and advice as to the implications in educational and financial terms.

It could be argued that this is effectively what the States asked the Education Department to do last May, when it directed the Department to look at the three-school options, but that of course is history now.

240 Sir, I want to briefly draw attention to some of the elements of this amendment. The first part of course tweaks the terms of Proposition 1a which was agreed last week. By deleting the reference to the sixth form being at one of the secondary sites, it gives Education more flexibility to look at the use of the whole of the Varendes site for post-16 education. And the insertion of the words:

'... ideally of a broadly comparable size but in any event of a size capable of securing a quality of opportunity for all students.'

245 – again seeks to give Education more flexibility in shaping the *size* of secondary schools as long as they can offer equal opportunities in terms of the curriculum, and so on.

New Proposition 2 really sets out routes three and four as I have already described them, in other words how a secondary estate would look with, and without, La Mare. And 2b) effectively says, 'If a secondary school is not built at La Mare, tell us what you want to do with regard to all the other facilities that you had planned for that site' ...the Pre-school, the Primary School, the Autism Centre, and so on.

250 Then 2c) says, 'Show us your plans for the College of Further Education; and 2d) says, 'Tell us how the grant-aided colleges fit in to a non-selective system; how they are to be funded and to what level.' For example, if they are to offer spare capacity in the system, their role and the funding model may differ from that if they do not.

255 Proposition 3 acknowledges that we need to keep La Mare going for longer and we must ensure that we continue to recruit and retain teachers.

And finally, Proposition 4 acknowledges that there will be a likely funding need from both the Capital Reserve and Transformation and Transition fund, in transforming the delivery of our Education service.

260 Self-evidently, sir, I am not able to advise the States today what the financial implications will be, but the Proposition provides that the Policy & Resources Committee must report back six-monthly – in other words to all intents and purposes at the time the accounts are presented and the time that the budget is prepared, if Policy & Resources does use the delegated authority. And of course it is a delegated authority, it does not mean it *has* to be used, it means it *can* be used, so it may well choose to bring matters back to the States if it sees fit.

265 This of course is not an ideal position, but given where we are I would suggest, sir, it is a pragmatic and practical solution under the circumstances.

Sir, I was hoping that we would be in a position today that Deputy Sillars could propose this amendment and I would second it, and I think that would perhaps have been preferable; but in the absence of that I am grateful to the majority of the Education Board for their support.

270 Is this amendment where any of us wanted to be? No, almost certainly not. But it is, sir, I suggest, the responsible route at this juncture. It allows time to be devoted to getting right the secondary and post-16 educational policy in our Island and then ensure that we have the right Educational estate to deliver that policy.

275 Whilst of course it leaves uncertainty hanging over our secondary schools, arguably no more than we left hanging over the Catholic Primary and the Houquette and the Forest Primary Schools when we said that their future would be examined further down the line. It is an uncertainty, but it is one that we can, and will need to manage.

Sir, I hope that Members will support this amendment.

280

The Bailiff: Deputy Lièvre, do you formally second this amendment?

Deputy Lièvre: I do sir.

285 **The Bailiff:** And Deputy Sillars, do you wish to exercise your right to speak on the amendment at this stage? No. Does anybody wish to speak on the amendment?

Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

290 Once again, as Deputy St Pier says, we are where we do not want to be; and we are somewhere where we should not have back to at this stage.

For me in the last couple of years on Treasury, I have regarded our role as an exercise in damage limitation. That may feel a bit strong but right now to me the optimum possible result is to go with this amendment. If you think about it, one of the outcomes could be some abortive

295 spending we have incurred, especially with the team currently planning a 600 high school at La Mare; but we have been in this sort of situation before on other projects.

So personally I feel this is the only way forward. And since four Members I know of the Education Department are supportive, I would hope this comes to a speedy conclusion and we can move on with the other 90% of the work we have got to deal with in this sitting!

300 Thank you.

Several Members: Hear, hear.

The Bailiff: Deputy Gollop.

305

Deputy Gollop: I suppose where we are at the moment, this amendment is the best place for us collectively to move forward on, because in a way it is a sophisticated form of sursis – on some aspects, but not all, of the report.

310 However, it presupposes that the decision that we made to completely end selection at 11 will be carried forward, and it also presupposes that we are reducing to pre-schools. And what it does not presuppose, unlike some of the speeches we heard last week, is how that estate will be managed – that is the crucial part; and whether that will include the Varendes site or, the Mare de Carteret site staying as a school. And indeed in the report that we have had – some people have said it is not detailed enough – but one element that it covered sketchily, was the possibility that
315 the Beaucamps campus, although a very fine new school, might be better off as a Sixth Form College. And that is not contained within this.

So that is one quibble I have with this amendment because it covers *some* scenarios but not all.

320 My other quibble is that some of us ... and I was on stage last night, amongst other things doing a poem and Deputy Lester Queripel beat me! But he is somebody who follows words very closely. And the words in amendments and resolutions are quite crucial and I noticed a subtle, but not insignificant, change on one of the propositions on the second page.

It says in 2d):

'... the role, consistent with Proposition 1, of the grant-aided colleges (Blanchelande College, Elizabeth College and The Ladies' College) in the provision of secondary education and detailed proposals for any new funding arrangements with those grant-aided colleges together with the rationale for the quantum of grant-aid recommended.'

325 That is not quantum of solace exactly, but there is a new hint there that it will not just be continual discussion as to the best way of transition or of maximising, as Deputy Gillson might say, the colleges' contribution to our Island's holistic education system.

330 There is a subtle hint that they will want detailed reasons as to why we fund the colleges at all, with the innuendo that that might have to be justified in way we have never had to in the past few decades. And so I do urge caution with the effects of this amendment. I do not really think it matters that much whether we support it or not, because I think the feelings across the Island are that education in all of its forms – and I include the success of the tertiary and College of FE in this – will be a very key business issue and a very key election issue. It will be an issue that candidates will address and there are likely to be I would suggest in the next Assembly, moves to reconsider aspects of it.

335 I would also add at this point that one of the 'every cloud has a silver lining' positive effects of the last few days, is that perhaps in recent history we have seen a bit of a divide between people associated with the high schools and people associated with the selective Grammar School. Well they are now united on a common understanding and moving forward, and I think that is good, because perhaps the States has emerged as a sort of common enemy to unite against. And so I think we must build on that new sense of solidarity amongst the school communities.

340

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

345 Sir, just move this amendment on and as quickly as possible, I would like to quote from the *Guernsey Evening Press and Star (Interjections)* comment column. In the report it says that a committee had met to consider the future of education in Guernsey and in the comment column, as incisive as ever, *(Laughter)* it said that the committee recommend a dramatic change of course in schools and they want schools to prepare pupils *not* for examinations, but for life. 'The principle is unarguable, but there could be a long argument about how it can be put into practice.'

350 And the headline is: '11-plus exams should be assessed'.

Now, you will notice from the format of the *Guernsey Evening Press* and the *Star*, that it was pre-tabloid ... actually, the quality of the writing shows that. *(Laughter)* And the price of this paper was 16 pence. It was published on Tuesday 18th December 1984! *(Interjections)* So the comment column got it right – it could be a long debate! *(Laughter)* And hopefully this is that last lap of that long debate today.

355 This is a thoroughly sensible amendment; it has been arrived at through a lot of hard work and not a little heartache. Please approve it, without further ado.

Several Members: Hear, hear. *(Applause)*

360

The Bailiff: Deputy Conder.

Deputy Conder: Thank you, sir.

365 Mr Bailiff, fellow States' Members: my Department's Report, as presented to this Assembly, addressed the structure and philosophy of post-11 education for a generation.

It had the potential of putting in place a physical infrastructure to deliver secondary education at short and medium term, but held out the prospect of flexibility to allow for innovation and medium-term change in the need and use of facilities if it became necessary at some time in the future. The debate we had before and during this States' meeting has demonstrated that, for whatever reason, we have been unable to convince sufficient of the public or our colleagues of the need for that change.

370 The flexibility and incremental nature of our proposals and the opportunity that it held out for our frontline staff and the community as a whole to have, for the first time, a much greater say and involvement in the running and governance of our schools. We have failed, or not had the opportunity to convince you of the merit of those proposals, but it is the nature of our particular form of consensus democracy and we must honour it and respect it, which I most certainly do.

380 This amendment as proposed by Deputy St Pier effectively delays all of the remaining debates and puts it in the hands of the next Government. Perhaps, when just last May this Government instructed my Department to return to the States with such a challenging and detailed set of proposals, it was always going to end up this way. We met the demands placed upon us but in my opinion, and retrospectively, there was never any chance that we could fill in all of the detail you demanded of us, in the time available.

385 Proofreading the policy letter on Boxing Day, whilst an enormous pleasure for me, was perhaps just an indication on how tight the timelines you set us was going to be. Perhaps there is a lesson to be learnt here for our successors in the Committee for Education, Sport and Culture – and I am delighted that this amendment recognises that fact in directing the next Department to report

'... as soon as practicable, but in any event during 2016 or 2017.'

December 2017 looks a likely date to me.

390 Sir, there is little point in repeating what has been said in the debates on all the previous amendments. However, in the light of this Assembly's decision to support the closure of a secondary school, I just want to say for the record that it has been an extraordinary achievement by the staff of La Mare de Carteret School, and indeed all of the High Schools, to bring themselves

up from the nadir of 2011 – the performance figures that made our schools some of the *worst* in the British Isles to where they are today.

395 That was what, we, this Education Department inherited. That is what our staff achieved; we should honour and applaud them for what they have done over the last four years. (**Severall Members:** Hear, hear.)

It is perhaps interesting to reflect upon on what a smallish, state-funded high school can achieve. We often reflect and applaud what our small private colleges achieve in terms of student outcomes, from what they themselves described as ‘mixed-ability intake’.

400 Ladies’ College 299, 11 to16 pupils; Elizabeth College 381, 11 to16 pupils; Blanchelande College 192, 11 to 16 pupils. Great results from each school; how do they do it? Well I would guess – and I know in one’s case – that it comes from close intensive staff to student interaction, great teachers and great leadership.

405 La Mare de Carteret 422, 11 to 16 pupils has, as we all know, achieved great outcomes recently. How have they done it? Close and intensive staff/student interaction, great teachers, great leadership.

I will say again: Ladies’ College 299, 11 to 16 pupils; Elizabeth College 381, 11 to 16 pupils; Blanchelande College 192, 11 to 16 pupils; La Mare de Carteret 422, 11 to 16 pupils. But wait a minute, our five schools are too small! We must make them bigger to improve educational outcomes! There is something that does not quite add up here, but that is my last word on that matter.

410 Sir, I would like to say something about the governance and management structure that we have proposed for the new schools, which I hope will be implemented in the three-school model. This should really be the foundation upon which change will be realised.

415 Sir, both before I joined the Education Committee and certainly following my election to the Committee in 2012 I was aware, as I am sure many in this Chamber were, of the undercurrent of criticism of my Department’s top-down management structure. There was a sense in which senior leaders of our school were more constrained in their ability to act and lead than their counterparts in the United Kingdom, and this was certainly evidenced by the comments I and others picked up from discussions with newly-appointed head teachers and senior staff, as they settled into their new roles in Guernsey and experienced the culture and structures embodied within our education system.

420 In the United Kingdom at all levels of education, but particularly in secondary, further and higher education, the Government and local education authorities long ago recognised that the running of schools and institutions, the appointment of staff, the development of curriculum, the deployment of physical and human resources, responses to change in technology and the myriad of other influences that impact upon the day to day running of schools, could best be handled by those nearest to the point of delivery. That is the head teacher and her, or his, senior leadership.

430 This has been augmented by the appointment of independent – and I have to say – unpaid boards of governors who are responsible for the governance, financial stewardship and operational oversight of schools.

435 Sir, it is perhaps interesting that our colleges, which are often held out as exemplars of performance and governance, have operated under independent governance for many years. Our proposals to the governors of Guernsey schools offered the opportunity for better and more effective use of resources; efficiencies in our colleges and scale in the use of physical and human resource; direct and effective financial stewardship; quick and effective curriculum development; streamlined staff-recruitment policies; streamlining of senior management; reduction in the duplication of posts; and the engagement of our business community in the running and promotion of schools.

440 We are near to achieving all of this with the College of Further Education, we have a board in place, we have an outstanding Chief Executive and most of the legal and procedural issues have been resolved. Anyone who has engaged with the CFE in the last few months, or years, must have seen the transformation in the dynamism and external engagement of that institution, and equally

445 the enthusiasm of the senior team in taking more responsibility for the running of the strategic direction of the institution.

Sir, in all of this, let me say something about our senior team at the Grange – oft and unfairly criticised in the pernicious and poisonous social media. You might have thought that those senior staff and their colleagues would have resisted the move to devolve functions, power and authority from the centre. Why would we be surprised if they did resist? After all, some of those central functions for which they are responsible change, if not disappear. But on the contrary, our senior officers have worked with us every step of the way. They have shared and enhanced our vision for the process of devolution. They have helped to make it happen. They are right behind this move, notwithstanding any changes in their own roles.

We should – and I do – salute them for their vision and willingness to embrace change.

455 Sir, I would now like to say something about the future funding of our colleges. I for one recognise the value and their contribution to education in Guernsey. How could I not? I was proud to be a member of the Board of Directors of Elizabeth College for nearly six years before I was elected to this Assembly. They provide a particular type of education that is important to some parts of our community and they might well be an economic enabler for those families that we wish to attract to this island and who, for whatever reason, expect or indeed will demand the opportunity for private education for their children.

460 Sir, I believe that our detractors have entirely misunderstood our proposals for the future funding of colleges. I should remind this Assembly that our suggestions in the respect of funding are simply a part of the review of funding scheduled for 2019, that this Education Committee inherited from the previous Government. The 2008-2012 Policy Council itself, having established the previous funding regime with the expectation of further negotiation to be undertaken for implementation in 2019 – as I have said.

470 It is simply wrong to suggest this policy letter is an attack upon the future of the colleges. Nothing could be further from the truth. It is certainly true that the abolition of the special placeholders, consequent upon our decision – *our* decision – to abolish the 11-plus, would change the way in which colleges are funded. But the actual level of funding is still open for negotiation with the colleges, exactly as it was last term. I was part of the other side of that negotiation, being as I was at the time, Chairman of Elizabeth College's Finance and Resource Committee.

475 So please let us dispel the myth that this policy letter seeks to withdraw funding for colleges. It does posit the possibility of reduction in college funding, just as the 2008-2012 negotiation did in fact implement a reduction in funding after lengthy negotiation – which I said was led by the then Policy Council. But nothing we do today will impose that; it *cannot* impose that because those negotiations have not even started.

480 What will have to happen in the absence of special placeholder funding, is our successors will have to find a new funding mechanism. That will be for negotiation. What this policy letter suggests is that negotiation might explore the possibility that the colleges become more transparent in their use of public funding, engage with and embrace the social policies of widening access endorsed by this Government, and facilitate that widening access by the granting of bursaries to those most in need, and who might most benefit from financial assistance in undertaking their education at one of the colleges.

485 These are *not* scholarships. These are *not* awarded on the basis of academic achievement, but rather are there to facilitate all members of our community have an access to those institutions if that is what they seek to do.

490 The quid pro quo is, we suggest, that the colleges demonstrate the achievement of that widening access, through an open book policy. Hardly an onerous requirement, when they are accepting several millions of pounds of taxpayers' money.

But as I have said, that is all for another day and another Assembly – and another Education Committee. This policy letter, this amendment, can do little more than indicate the consequences and a possible resolution.

495 Sir, we have over the last week endeavoured to grasp the opportunity to address the long-
term shortcomings of our secondary education system, which were so spectacularly and
disastrously demonstrated by the enforced release of performance data at almost exactly the
same stage in the life of the last Government. That data demonstrated that young people had
500 been short changed by our secondary education system, a failure which in most cases would
never be rectified during their lifetime.

This Committee, under the extraordinary leadership of Deputy Sillars, has striven tirelessly to
address and repair some of those shortcomings. The policies we have debated over the last week
offered a hope for all the young people of this island over the coming generations and it could
have been, as we said, a seminal moment in the life of this Government. The changes we were
505 proposing were not revolutionary, they were incremental, they were capable of being flexed over
time, they protected what was best in our system and structures. They offered a chance of
leadership and authority through our educational leaders. They devolved authority whilst offering
real potential for economies of scale and they left ultimate budget control with this Assembly,
whilst evolving financial stewardship to the lowest efficient level. But above all they offered the
510 opportunity for addressing the unfairness, underperformance and lost opportunities that have
blighted the lives of so many of our young people in this community.

A well-educated, highly-skilled society in which all can reach their potential, and make a real
and lasting contribution to their community, is a settled and peaceful community at ease with
itself. This policy letter had offered that opportunity.

515 Sir, I will, with little enthusiasm, support the Propositions in this amendment – giving that, as
they do, our successors further time to reflect upon any proposals they may wish to bring before a
future Assembly. It will mean a further delay for another group of students and staff who will have
to work in entirely inadequate facilities and further uncertainty for all parts of our secondary
education community.

520 I wish our successors well in their endeavours and I hope they are able to build both
figuratively and literally on the pack foundations which we in this Assembly have tried to lay for
them.

Thank you, sir.

525 **The Bailiff:** Thank you, Deputy Conder. Am I right in thinking today is your birthday?
(*Laughter*)

Deputy Conder: It is indeed, sir.

530 **The Bailiff:** Happy birthday, Deputy Conder.

Deputy Conder: Thank you. (*Laughter and applause*) I might have wished to spend my
birthday in a different place, but I could not have spent it in more congenial company.

Thank you, sir.

535 **A Member:** Can we give him the bumps, sir? (*Laughter*)

The Bailiff: Deputy Dave Jones.

540 **Deputy David Jones:** Thank you, Mr Bailiff.

I suppose what makes this amendment attractive to me, although I am not really attracted to
any of its contents, is the fact that it does allow a fresh set of eyes in the next administration to
have a look at this.

545 I think we have made a catastrophic mistake; we have made a real dog's dinner actually over
this whole education debate in my view, (**A Member:** Hear, hear.) and you know that when the

Treasury Minister has to get up first thing this morning and issue a fulsome apology to pupils, teachers and staff at La Mare.

550 The other thing is, I keep hearing this, 'Better educational outcomes.' How can anybody explain to me, how destroying the Grammar School is going to lead to better educational outcome? (**A Member:** Hear, hear.) The two are just not conducive.

555 The other thing is that apart from the apology we have had, there is something else I wanted to say while I am on my feet. Last week Deputy St Pier said that we need to get this in the right order and previous States had got this wrong. No they hadn't! Previous States decided on selection, (**A Member:** Hear, hear.) and the fact that you do not agree with selection (*Interjection*) and did not obviously when you came into this House, does not mean to say that previous administrations got it wrong. They did what they thought was right.

560 I have not made up my mind at all, because I am minded at the end of all this debate to throw the whole lot out. But I will listen to other Members on this particular amendment because I am thankful at the very least, that a new set of eyes will look at this in the next administration.

The Bailiff: Deputy Trott, and then Deputy Luxon who has been waiting a while.

Deputy Trott: Thank you sir.

565 Sir, in rising to my feet I am reminded of an old adage, 'Beware the Ides of March' – and I have to tell you this is exactly how I feel about this whole debate.

I start by making the point about transparency. Elizabeth College and the Ladies' College publish their accounts for all to see, so any accusation about transparency is totally without foundation.

570 I now turn to the amendment – or rather the sursis – and I would like to start by making a small point, and that is that reference to a policy letter by Deputies St Pier and Le Lièvre, is somewhat outdated. For a number of years now we have been referring to them as States' Reports, but it is a minor mistake. (*Interjection*)

However, sir, Proposition 3 is of much more concern to me. Under the rule 15(2) information paragraph at the bottom, we are told that:

'The financial implications if proposition 3, as above, is approved are unknown at this time.'

575 However, let's just remind ourselves of what Proposition 3 says. It says:

'To agree that pending the completion of any capital works approved by the States following their consideration of the policy letter ...'

– that means States' Report.

'...envisaged in Proposition 2, it may be necessary to provide funding both to maintain the existing schools at La Mare de Carteret and to ensure the recruitment and retention of teachers.'

Now, it is the second point that is of the most concern to me. But let's just focus, initially on the first point. Is it a case of mending the roof while it is absolutely pouring with rain? Because that is what that part of the amendment would suggest.

580 But with regard to the recruitment and retention of secondary school teachers, is the Minister for the Treasury & Resources Department telling us that if you are at a school where there is considerable uncertainty, like La Mare or like the Grammar School, you may be given some sort of incentive to stay, whilst this whole mess is sorted out? And it could take, sir, until the end of 2017 – in fact the Deputy Minister for Education, a few moments ago, felt that that was likely.

585 So what are we going to do? What are we going to get the cheque book out and pay teachers who are at one of these threatened schools, an incentive over and above what a teacher at St Sampson's High, for instance, might expect, or at Les Beaucamps, because they are much less threatened? So I would like an answer on that, sir.

590 I would also like the Treasury Minister to tell me whether I am right in my conclusion that it is going to be difficult for him, as a consequence of the comments I have already made, to ever again tell a Member of this Assembly that *they* have created a 'back of a fag packet' amendment? Because clearly with such uncertainty on those issues alone, any opportunity for him so to do is removed.

595 Now, sir, it is my opinion based on a long – not always distinguished, but certainly long – career in this Assembly, that what this does is structurally ensure the maximum amount of uncertainty, potentially for 18 months or more, for at least two schools and their teachers, and maybe more.

600 I would also like to make the point about vacillating weakness. It is never vacillating weakness to listen to the people who we represent – and I know it is an inconvenient truth and it pains me to keep coming back to it – but we embarked upon a consultation process which did not suit, so we chose to ignore it. And that is one of the reasons why we are in the God almighty mess that we are in today.

605 I would also like to ask the Treasury Minister how much have we already spent on design fees and staff time to get to the stage we are at today? Because there is understandable concern that this has been the 'States of Waste'. And the numbers total millions – millions and millions. So I would like to know a precise figure.

I think that will do, sir.

Thank you.

610 **The Bailiff:** Deputy Luxon.

Deputy Luxon: Thank you, Mr Bailiff.

Sir, so far in this debate I have not spoken other than to ask Deputy Trott two questions on his amendment, one of which he kindly answered for me.

615 Sir, I rise briefly to thank Deputy St Pier; and of course although Deputy Dave Jones indicated it was the T&R Minister that got up to offer apologies to the La Mare community, of course it was not – Deputy St Pier got up on his own behalf to make that apology, and I would commend him for the empathy and consideration that that apology to the La Mare community was given.

620 I also, sir, would extend on my behalf that same empathy and consideration recognition to the community to the Grammar School – teachers, parents and pupils – who equally are embroiled in this same situation.

625 Sir, last Thursday night I attended a Grammar 'old boy and old girl' annual dinner. (*Interjection*) Thank you for that! I was slightly apprehensive, sir, bearing in mind the debate and some of the outturns of our voting. I thought it may be a morgue and I also thought I may not be welcome through the door as a Member of this Assembly.

630 What did surprise me was a previous Headmistress of the joint Grammar School- and as we all know, the Grammar School as we see it now, has had many iterations over its 134-year life – separate schools, joint schools and the like. A previous Headmistress made a very pragmatic, I thought, and reasoned speech where she of course reflected on the reality of change that was confronting the Grammar School as it is now. What surprised me and impressed me – and I think we probably would recognise this across all of our schools – was that there was a feeling of determination and resolve to find a way to make sure that the ethos of the Grammar School found a way to engage with the decisions that we were making, to try and make sure something out of those decisions could be retained in terms of the very successful outcomes of that school.

635 Sir, my second point – and may I also say, when I referred to Deputy Trott before, he is of course entirely wrong, we are debating a policy letter, we may sometimes call it a States' Report, but we are debating a policy letter. (*Interjection*) So my second point was, some members of the community and indeed the two sursis that we have debated and defeated: it would have been completely and utterly inappropriate for this Assembly not to have considered this policy letter
640 from an Education Department. Over the last, almost 4 years, we have been waiting to debate this

645 matter and purely because of the timings of an election process, of an old Government expiring and a new Government coming in, that is no reason to not accept our responsibilities to debate these very important matters. And of course if a new Assembly decides to debate again or to overturn or to U-turn, so be it, but it would have been reckless for us not to have considered this policy letter, and to continue to consider it and make the decisions based on the belief of those members in this community. So to delay, or to not have debated it, because of timing of the election, would have been completely inappropriate in my view.

650 Sir, I am a great fan of sport and a great fan of athletics and particularly in athletics relay races – 4x100 and 4 x400 particularly. I think the States of Guernsey – and if Deputy Allister Langlois is right, then even back as 1984, although I was going to back to 2001 – we have invented a very new race, which is a marathon relay.

655 Now it is a very unusual sport to have a marathon relay, but the reality of where we are and why we are here today – unlike Deputy Dave Jones – it is not the Treasury & Resources Department or Minister who has made a dog's breakfast of this. The first baton change in 2001 was a bad baton change. The rebuilding of Les Beaucamps was a bad baton change, because it took us in a wrong direction. And during this last four years there have been some bad baton changes. And during this debate, there may well have been some bad baton changes.

660 Let us hope that this final amendment is the final baton change that is a successful baton change that allows the new Education Department – or the new Committee for Education, Sport and Culture, and the new Assembly – to absolutely completely conclude this race, this relay marathon, successfully and appropriately for the right educational outcomes for our Island.

I support the amendment.
Thank you, sir.

665 **The Bailiff:** Deputy De Lisle.

670 **Deputy De Lisle:** Sir, I cannot agree that Beaucamps was a wrong decision. We had the promise to follow through, which was to develop three high schools to the standard of the Grammar School and the ordering is another matter, but we decided on that particular order of preference. And we have got that responsibility now to La Mare to see that that school is developed to the same standard as the other two secondary high schools and to the standard of the Grammar School.

675 Sir, Deputy St Pier has apologised to the public of this Island for generating serious uncertainty, anxiety and concern for so many in our community; and the number of emails was just phenomenal, it must have been a good 250 that crossed my desk, that indicate how – and I had never had that before – such anxiety has affected the population.

Now we have yet to hear, sir, an apology from Deputy Sillars and our Education Board, equally at fault for destabilising a successful education system by ignoring the results of a consultation process and undermining hard-earned confidence at the Grammar School.

680 Sir, I worry also about the seeming takeover of Education policy by Treasury in the last number of days, particularly as a forebearer, if you like, in terms of the new organisation for next term. Is this going to be the model that we are going to be foreseeing, whereby a more executive-style of governance is to be brought forward into this Assembly? (*Interjection*)

685 I am minded to throw out the whole lot, sir, and have a restart essentially. I cannot support the amendment which presupposes a three school system, with possible cut at the end of the day in La Mare de Carteret Secondary School, and the demise of some *form* of selection, and the effect on the Grammar School and the Sixth Form Centre school as currently run.

So I leave it at that for the moment, but I think the answer is probably to throw out the whole lot.

690 Thank you, sir – and start again.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

695 I find myself in a rare position, on the west, of actually agreeing with Deputy De Lisle – I think he is absolutely spot-on.

But what a way to find out that your school is closing, on an 11th hour amendment with no consultation. Is that your vision of how we want to run Guernsey? Well it is not mine. And this morning we had an apology from Deputy Sillars – sorry – from Deputy St Pier.

700 We have to be so careful what we say these days in this House. Media around the world will pick things up, as we found all to our costs – we had the same with the open market issue some time back and the uncertainty that that caused. We have to be very careful, very consistent and very measured.

705 This is not measured. This is beyond on the hoof, this is almost getting into a stampede now as those who are fearing they might not get their particular goal of ‘no Grammar School’ ... it may just be around the corner if they can just get past this next hurdle. That is not how I wish to see our Island run.

Now Deputy St Pier this morning said, ‘T&R have been consistent’ – T&R have been consistent. How can they say that they have been consistent? They were supporting and have been helping, so I understand ... because this is what we have been advised as States Members here, and 710 Deputy Fallaize and myself made an amendment to make sure that Education and T&R work together, to work out those final crunchy details on the rebuild of La Mare. That was with T&R. T&R are now suddenly saying, ‘Well actually we don’t really want it!’

How did that come about? Where has that come from? Been consistent? No, they have actually done a complete *volte-face*.

715 And then we’ve got T&R now saying they want Scrutiny to look at it, at the SCIP process. Well, I do not think they have to look very far, they just have to look home – at their own place. They are the guardians for the SCIP process!

Now the whole fundamentals ... and I think it was Deputy St Pier who made this in his speech last Friday – was that you have to get the fundamentals in the right order, and therefore you 720 cannot go forward with the rest of the rebuild before those fundamentals are right.

But the T&R Board have been in place for four years with the SCIP process and the fundamentals were that we were going to rebuild them up, otherwise why carry on? Why not, three and a half years ago say to the States, ‘Actually the fundamentals are completely wrong, you have got it wrong, people; do not go ahead and build them up’.

725 I mean, we have gone out to *tender* would you believe? There are two companies tending to build it! And now you are saying the fundamentals are wrong at T&R. Look at your own house before you come to this House, complaining that things have gone wrong and looking for Scrutiny – the great band of Scrutiny, with all the resources that they have got to their disposal – to go and solve that problem. The problem is in your own home, that is where it is; and now you have brought it to this House!

And I am getting probably quite annoyed really! But we have had this, ‘Education and T&R have been working closely together.’ All the way through we have heard these words from Deputy Sillars and from Deputy St Pier. Well, if that is working together, that is not what I believe is working together. I think they have been in completely different positions!

735 And what is the point of having the Policy Council? (*Interjections*) I know it has been changing, but the Policy Council are meant to be the place where you bring together Departments who are not being able to see eye to eye. But no, no, that has not worked – so we end up with this dog’s breakfast here. Deputy Sillars, I think, was using the analogy of the scorpion and the fox. To me it looks more like the fox has gone into the chicken coop and we have just got the results now on the floor of this House.

740 So, let’s see what we have managed to do. Well, we have managed to get La Mare in complete turmoil, from a school that was expecting a rebuild – because the Education policy letter was saying a *rebuild*. Now we have got Education personnel who were wanting a rebuild – what, I

745 don't know, 36 hours ago? Now they are suddenly saying, 'Well, actually we don't now, we want to go back and rethink.'

We have got the Grammar school in total pandemonium, because they do not know whether they are going to exist or not. (*Interjection and laughter*) And the stability, how are we going to attract teachers now? And here we are on our last day of term. And the hypocrisy from some of my colleagues, who come to me saying, 'We want evidence-based decision making'. That is how we work today – the new Sarnian Spring – evidence based.

750 There's no evidence for this. There's no evidence at all! So please if I ever – luckily enough, or get back to this House – do not ever try those tricks on me again with evidence bases. You are making the rules up as you go along, because it suits you so to do. (*Interjections*)

755 And when you say the rules for some – ha, ha! Of course we have the marvellous Proposition 4, which now, basically it makes Education a real puppet of P&R – they will hold complete purse strings and complete power as to whether they let them have any money or not. So, whatever shape P&R is, that shape will be reflected on what Education are going to be able to deliver or give. Completely inappropriate, not the way we have been managing.

760 We are meant to have a SCIP process that puts our priorities in order; we go through the fundamentals and we work our way through them. And here we are, because it suits ... Just throw all that out – 'No, no, no, that's okay, there's nothing to see here. It's okay, it's on the discretion of T&R.' Certainly not pretty.

765 Yes. So the SCIP process – the States' Capital Investment Portfolio – the key fundamentals allow you into the SCIP process. The key fundamentals of a decision allow you in; and Education were allowed in because the key fundamentals were met. If they were not met, they would not have been allowed in. So how can we suddenly say now that the fundamentals are all wrong? And if they are saying they are all wrong, then you need a proper report to support that.

770 Now, votes are very important in this House and I was a bit concerned over the weekend, because some of my colleagues seem to have forgotten how they voted last week. And just as we had with the Transport Strategy ... I have just got one plea through you, sir, if I may? Can I just ask that the class of '26 who wanted three schools, and the class of '27 who voted against the 11-plus improvements thereby effectively closing the Grammar School. Can you please put that on your manifesto if you are standing again? Please make sure it's there – and also put whether you supported paid parking or not, (*Laughter*) because it would just make it a lot easier for the rest of us having to bring these things up at the hustings?

775 So please, if you are so keen about this and it is something that you really want to do and you really believe in and that is really your policy, then make sure you nail it on your manifesto. Do not let me have to suss it out for you later.

780 And also, we have spent some time speaking about 50 children in here, but I am very concerned about the children who need a lift up. And I would like, especially when we get onto the main debate, if we ever get there, for Education to explain what they are going to do and how they are going to help those children who have not had such a great start in life, have that extra lift at the very beginning.

785 And then again, I am not overly keen on having the teacher ratio changing. I quite like the idea of more teachers, smaller classes. So the idea of moving to this 15:1 as opposed to 12:1, I am not particularly keen on.

So, we have had some –

Deputy Bebb: Point of correction.

790 **The Bailiff:** Deputy Bebb.

Deputy Bebb: Deputy Brouard is misleading the House. The policy is already 15:1. There is no change in policy, as he stated.

795

The Bailiff: Deputy Brouard.

Deputy Brouard: Fair point sir, I believe that Education are running at 12:1 in their policy, but I would prefer they carried on running as they are at the moment, from that point of view.

800 And that is the point about uncertainty. The detractors who wish to rebuild La Mare and who wish to keep our Grammar School are being accused of uncertainty. I think it is the other way round. I think it is those who want to change the system we have got at the moment are the ones that are causing the uncertainty. That is what the uncertainty is. The status quo is what we have now. So please, do not try and twist the argument around that somehow the nirvana is your vision, because it is not. You are trying to make the changes. You are the ones that are causing uncertainty. *(Interjection)*

805 So, my vision. My vision is different from some of your visions. I accept that. I have a vision for a stable Island with excellent educational outcome, with a mix of school offering what is needed for Islanders, including La Mare, including the Grammar School.

810 I want to spend my time in this House building the island. I spend half my time in this House defending change which I think is completely unnecessary. I end up fighting against Sunday trading, I end up fighting against paid parking and all these things. I want to be in here building. I want to be here the aircraft registry. I want to be here setting up the new laws for our finance industry.

815

The Bailiff: You are straying off the subject, Deputy Brouard. *(Interjections)*

Deputy Brouard: Thank you, sir – yes, straying off the subject.

820 Well, education is very much a part of the Island and very much a part of our future is how good our education is – so I think it is fundamentally important.

I think the uncertainty for the teachers is not of my doing, sir, it is not in my vision. My vision is that the Grammar School remains part of the mix that we offer to Islanders, and part of that mix also includes the promise we made to rebuild La Mare. And I urge you to throw out these Propositions.

825 Thank you, sir.

The Bailiff: Deputy Domaille.

Deputy Domaille: Thank you, sir. I will be brief.

830 First of all I would just like personally to thank Deputy St Pier. **(Two Members:** Hear, hear.) I think that the amendments he passed last week and indeed today's amendment, at least has tried to make some sense out of this whole matter and put it into some sort of logical order. **(A Member:** Hear, hear.) So I actually think that he has done the Island a good service. **(A Member:** Hear, hear.)

835 But there are always however, so here we go. *(Laughter)* But no, I really do mean that, and I think that's a sign of a really good politician.

This amendment to me makes some sense of the decisions we made last week and as such I will support it as the least bad amendment. However, I do agree with Deputy Trott, Deputy Jones, Deputy Brouard and others that this amendment does nothing to alleviate the significant uncertainties that are outside this House – and actually for me as well, I have to say. I think the costs are unknown, they will undoubtedly be significant and I really doubt that anything that we decide today is going to see much past into the first year of the next Assembly.

840 For me, I have to say, I really cannot agree with the abolition of the 11-plus and the doing away with the Grammar School. So I will support this amendment and I will probably be voting against the overall proposals.

845 Thank you, sir.

The Bailiff: Deputy Hadley

850 **Deputy Hadley:** Mr Bailiff, it is not in my interest to defend Deputy Sillars, because you know he and I will be vying for your vote in the South East. He will try to get elected instead of me. But I would say to Deputy De Lisle, if he was here, that there is absolutely no necessity for Deputy Sillars to apologise to anybody.

855 The Education Board at its daily meeting yesterday, for the first time (*Laughter*) failed to be unanimous in a decision and I was the one person on the board that was unable ... (*Laughter and interjections*) For the first time! I was the one person on the board who was not able to come out in support of the amendment that we are now debating.

860 Over a year ago I accepted a position on the Education Board. As I already sat on two boards, I knew this would be a challenge getting up to speed and understanding all of the issues involved. I was helped, because I respected my fellow board members and came to appreciate how hard-working and knowledgeable the staff of the Department are. We were given a great deal of information and the complex issues made easy to understand.

We *did* look at all of the options. We *did* consult the people of Guernsey. We *have* listened to them. And in large measure have done what they asked us to do.

865 The main bone of contention is that we want to abolish selection and 60% of the Island wishes to keep it. However, 70% of the people who wanted to keep selection, also said they wanted a different form of selection other than the 11-plus. (*Interjections*) We have looked at other forms of selection and they just cannot be delivered. At the end of the day our consultation was just that – it was not a referendum.

870 Yesterday the press said that we had sidestepped the closure of La Mare. We had not. We never knew it was on the table. Deputy St Pier assured us that not only was he not trying to stop the build of La Mare, but also that he was not trying to delay it. Sadly, we believed him. First he delayed it, then he stopped it. We did not seriously consider not building La Mare, because the alternatives are much more expensive. It is not true to say, as the press says, that we do not have the answers – we do, sir, but the Assembly does not want to listen.

875 The option that the States rejected last week was well-considered, well-argued policy. As the Island wanted, no school would have been closed. We would have kept the Grammar School, albeit with a mixed-ability intake; we would have fulfilled the promise made 15 years ago to rebuild La Mare. We did have a well-considered alternative, it is in the Billet, option c). All of the 880 11- to 16-year-old children would have been educated at La Mare, Beaucamps, St Sampson's. The Sixth Form would have retained it at Footes Lane alongside other courses provided by the College of Further Education. It would have been the cheapest option of all. It was *not* the preferred option of the board, but if forced to close a school it was the best choice available.

885 The Education Board did not wish to close any school because it wanted to do what was best for the children of the Island. Because Deputy St Pier has chosen to not engage with the Department, but instead at the 11th hour brought an amendment to this Assembly, he has almost single-handedly damaged education on this Island for many years to come.

890 In the future this will be seen as a classic example of bad Government and micro-managing of the Department. We will spend around £5 million maintaining the schools that are well past their expected life. We will be replacing doors, windows, roof coverings, suspended ceilings, floor coverings; we will be decorating and we will be changing the lighting. Eventually the States will make a decision that will cost much more than the options that we gave. Millions of pounds will have been wasted, teachers will have left the Island, the life chances of our children will have been impaired.

895 Mr Bailiff, some of the Members of this Assembly have been clever politicians and good orators, but what they have done is to stop La Mare being rebuilt and they have damaged the Grammar School. What an achievement! (*Applause*)

The Bailiff: Deputy Adam.

900 **Deputy Adam:** Thank you, sir.

Sir, in a previous debate I stated what my preferred option was in the relation to the solution, and that was, as Deputy Hadley said, option c) in the Billet. And I had held this view for approximately a year and a half. The problem with it is that the appearance was that the Sixth Form would become part of the College of Further Education and thus be called a Tertiary College which, according to the educationalists, does not produce as good results for A level students.

905 However, I feel the distance – which is not great, but is sufficient – and if the Sixth form came under the secondary schools, this would be a satisfactory choice. This amendment does put that down. And where I have to say I disagree with my Minister, sir – but then it is not a T&R amendment, shall we say. Given a choice, I feel is never a good thing.

910 I feel this Assembly could have made a decision concerning La Mare at this meeting. I considered that La Mare ... there is not much choice, we have to have another secondary school somewhere. Either it has to be a Grammar School in total, because you cannot have a reasonable sized 11 to 16 part there – but La Mare is the most logical.

915 I also feel there should be only three secondary schools. That is Beaucamps, La Mare de Carteret at 960 and St Sampson's at 720 – so you would not have to extend St Sampson's or Beaucamps, that would give you sufficient capacity.

But this is the amendment we have in front of us and I think it is a choice that we should accept. I do accept what Deputies Trott and Jones and Brouard said concerning, what has it cost – how much money has the Assembly wasted by not coming to a decision concerning this?

920 Deputy Hadley has mentioned £5 million, basically maintenance of the primary school and of the secondary school, and there is still continuing upset because La Mare do not know what is going to happen.

I would suggest what you should be saying, it is *highly likely* that we will go ahead with it. But also, we must get our policies and strategy in place before going and throwing more and more money at something. And this is what Deputy Gavin St Pier came to this Assembly at the very beginning of this debate and said, 'Look, what are your policies? That's no selection, and how many schools? What's the next step?' And this does give you an idea of what choices we might have, but it is pushing decision further down the road – and that is the only point I disagree with. I would prefer to get on with it.

930 Now, Deputy Brouard made some interesting comments and, sir, through you I would like to ask him: where is all this money coming from? Didn't he listen to the Treasury Minister's statement at the beginning of this Assembly? Are we in a healthy position? Well, it is not bad, but I could suggest it could be a lot better.

935 Deputy De Lisle, likewise. He is commenting on Deputy Luxon's comments about the 'wrong baton' – that is how Deputy Luxon said it. Beaucamps was not wrong; Beaucamps was built in the wrong order. In other words La Mare should have been before Beaucamps and that was ... apparently if you go back far enough.

940 Sir, as I state, I hope that La Mare will be built. I understand there is some evidence for delaying it to ensure that all the research has been done, but I am sure we will never get absolutely concrete answers to everything. Education is not a pure science, you know, because people are all different and learn at different rates, etc. so you cannot always get a definite answer from something.

So I trust this and I will support this amendment.

Thank you.

945 **The Bailiff:** Chief Minister.

Deputy Le Tocq: Sir, I am going to reluctantly support this – like Deputy Adam has just said. And similarly I have always been in support of the rebuild of a secondary school at La Mare because I believe that if we did so, with the decisions that have already been made by this Assembly, we would end up with three high schools of a similar standard, built within a very short

timeframe of one another; and that would enable then the consolidation of post-16 in the centre of the Island roughly around the Varendes and Ozouets sites.

955 I do accept that many Members do not feel they have come so far on that journey, some of us were on Education years ago when we went through the whole process of deciding what the right way forward should be. Therefore this amendment does give this Assembly and the next Assembly the opportunity to reflect and to make the new Committee come back with clear evidence that is up to date, as to what the best proposals should be going forward.

960 I remain to be convinced, but I am willing to do so, and so I will somewhat reluctantly support this amendment.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

965 The Members who, in the main, have spoken in opposition, are the Members who – to put it frankly or bluntly – are disaffected, based on the votes taken last week. Now that is entirely understandable because they either favour the retention of selection at 11 and/or a four-school model. Now, if the States had voted to retain selection and adopt a four-school model, or either of those, I would have come into the States this week as disaffected as those other Members are this week.

970 But that does not really affect this amendment. What the States decided last week – and this goes back to the point that was made by many speakers last week – that it is right to determine Education policy first and then to design buildings around the policy, rather than the other way round; and we have, as of last week, started to do that.

975 Deputy Adam said that he, a year ago, came to the view that the three-school model was correct including La Mare, St Sampson's and Les Beaucamps, and a Tertiary Centre at Footes Lane. Actually, Deputy Adam was putting that forward 15 years ago when he was a member of the then Education Council, because as I said in debate last week, it is *exactly* the proposal that was put in 2001. It maybe, where the States and the Island ends up in a few years' time and the Torode Amendment of 2001 will have cost only 20 years and tens of millions of pounds – but that was recognised at the time.

985 The point is that last week the States made two perfectly credible policy decisions. Not every Member of the States agreed with them, but they were carried by quite clear – not overwhelming – but quite clear majorities in both cases. The first was to end selection at 11; and the second was to provide a non-selective system of Secondary Education on three sites, or in three schools. They are both perfectly credible, rational decisions even though not every Member agrees with them. Now we are in the position of how we have to move forward having made those decisions.

990 Deputy Hadley says the Education Department identified option c), as the most credible option under a three-school model and he is right to an extent. The problem is, it is hardly analysed at all in the policy letter.

Now I do not really blame the Education Department for that, it was not their preferred option – and still is not – but had it been subject to full extensive analysis in the policy letter, it may well have been possible for the States here today to have made a decision to adopt it.

995 I remain to be persuaded about co-locating post-16 provision and further education, but I am very open to persuasion on that point and I suspect that may be the most likely option, which provides for the rebuild of La Mare de Carteret, rather than the closure of La Mare de Carteret and the continuing use of the Les Varendes site for an 11-16 school. But the point is we do not have sufficient information before us today to reach a conclusion, to give effect to the three-school policy which the States voted for last week. And it is because of that, that this amendment was entirely inevitable and is wholly necessary.

1000 Now, I think Deputy St Pier last week was a bit strong in outlining what his preferred model was for the delivery of the three-school policy. I suppose the problem he faced was, if he had simply come forward and said, 'I favour a three-school policy and I am not going to give you any

1005 indication about how I see it being delivered' – the Education Department would have immediately have jumped up and said, 'Well this is just vague policy, you have no idea how it could actually be delivered in practice.' Now, probably he overcompensated for that and went too strongly on arguing in favour of the close La Mare option.

1010 But there are, realistically, two options for delivering the three-school model. There are other permutations, but realistically there are two, and that is why this amendment effectively narrows it down to two options; and it at least makes a presumption ... it does not totally constrain the next Committee, but it makes the presumption that the best way of delivering the three-school model, is either through a)i) or a)ii) as set out in the amendment.

1015 So while I do understand the disaffection that is being expressed by Members who are unhappy with the policy decisions made last week, their disaffection does not really change that they were the policy decisions made by the States and, acting responsibly, the States has to put in place the necessary approach to enable the Committee for Education, Sport and Culture to come back to the States with the detailed proposals to give effect to the policies that were decided last week.

1020 I am quite prepared – I do not want it to happen – but I am quite prepared when we move to general debate, for those Members who were unhappy with the policy decisions last week, to try and fight them all over again. And I have said to Members of the Education Department who, I think in some respects, have given indications of disaffection as well – which is entirely understandable because they were putting forward their four-school option. But they ought not to overlook or be complacent about the possibility, this week, of having to fight the battle over selection at 11 all over again, because there are Members of the States, quite clearly, who will stop at nothing to keep selection at 11 – and I respect them for that. And now they have another chance this week to do it and if they do it, those of us who fought last week to remove selection will have to rise to the challenge again and do it all over again.

1030 But for the time being and I think many of the comments in this debate have actually been on selection, rather than on this amendment. For the time being, given the States' policies, which are now in place in the course of this debate, for a non-selective system delivered over three sites, surely this amendment is the only sensible way of giving effect to that.

1035 **The Bailiff:** Yes, Deputy Sherbourne.

Deputy Sherbourne: Thank you, sir.

Members, I will be relatively brief today. First of all I would like to actually agree with the assessment that Deputy Hadley made of the situation that the Education Board found itself in.

1040 We were totally committed to the proposals that we put to you last week. We felt that our proposals were the solution of least disruption. We found during Thursday, I think – Thursday evening's description of Deputy St Pier's amendment – that the focus on one school was an error of judgement and thankfully Deputy St Pier has actually apologised.

1045 But quite frankly even though he did focus, the fact that we were debating a three-school model was going to cause disruption. It made no difference. This actual amendment could well have been made then, quite frankly. It is not what the Education Board wanted. We have had two meetings this week to discuss possible way forward. Deputy Hadley has explained his position – and I had great sympathy with that, because at a personal level I have a particular model that I think might be right for Guernsey.

1050 But this amendment – and I do thank Deputy St Pier for laying this – has left the door open to a further discussion on the right solutions for Guernsey. I think it was perhaps an error on behalf of Education not to have focused more on our post-16 needs. It is something that I think is pretty obvious to everyone, needs resolving. We have a College of F.E. which has served this Island brilliantly for many, many years but let's face it, it has been a Cinderella institution. It has not been funded properly, we have not invested in it and yet it has, actually, achieved much.

1055 I think there is a big debate to be had there on a way forward for our total post-16 provision. And when I say post-16 provision, I am not just talking 16 to 18. I am talking about post-16 for life – life-long learning. And that is where there has got to be some joined up thinking.

I believe that this amendment will provide the breathing space to fully consider, not the use of the estate, but our total educational philosophy which is going to fit as well, I think, for the future. That debate needs to be had.

1060 I am really sad that today we will not be able to give the go-ahead, possibly, to La Mare de Carteret, because it is the school that I had seven years most enjoyable experience working in it as a Deputy Head. And I am very attached really to the community that provides its students – and boy, has that community shown us what can be done in a school with good leadership and committed teachers going the extra mile for their students.

1065 We saw that – and I mentioned this the other day – with St Sampson's High. They have done exactly the same, after a real low of 2011. It is possible for Guernsey to have the best educational system in the world. That is not a false claim – it could be! But it does mean that there are people in this Assembly and out in the community that need to actually take a step back and say, 'What do we really need as a community, for our children in the future?'

1070 If we were designing a system, would we have what we have today? No way! And so small steps need to be taken along the way for improvement.

Again last week, the proposals we actually put to you, we felt that was a step along the way. It was not a revolution as some of you have suggested. It was an evolutionary step. Now that is off the agenda – we have to accept it, and the Education Board has had to go back, regroup, say, 'Well where are we?' And our focus, I can assure every one of you here, has been the child – the child at the centre.

1075 What is going to be best, after this Assembly has made a decision, to move to three schools? And we think – well, I believe – that Deputy St Pier's proposal in this amendment actually will provide us with the opportunity to do just that. I will give a public apology to La Mare de Carteret, their staff, children and parents, because for the last three years we, as a board, have all been working towards providing them with the facilities they deserve. (A Member: Hear, hear.) At a personal level I hope that is still the case, but at least the next Assembly will have firmer guidelines on moving us forward. Those two policy decisions last week that we made, that some of you would like another shot at, I hope that they are voted through in the final vote on the policy letter, because I think that will give very clear guidance to the sort of debate that the future Education, Sports and Culture Committee will have.

1085 So, I cannot actually go as far as Deputy Conder, who I thought summed up extremely well how he generally felt. I cannot say that it is with reluctance, because we now know you want the three-school solution. So I actually will give my full support to the deliberations of the new board; and I hope that all of you give a sounding 'Yes' – 'Pour' – to this amendment.

Thank you. (*Applause*)

The Bailiff: Deputy Brehaut.

1095

Deputy Brehaut: Thank you, sir.

I will be brief in the hope that it sets an example, but I am not overly-optimistic about that. (*Laughter*)

1100 Mr Bailiff, if you wanted to quantify just how this Assembly needs to evolve and why the changes proposed by SACC are so necessary, just think about it for one moment. Perhaps it is when a Minister comes to this Assembly and apologises for the fallout following an episode where he had the audacity to display the rarest of qualities in this Assembly: leadership. (**A Member:** Hear, hear.)

1105 Of course the community were unsettled and I said – as I said in my speech some days ago – it was a home truth and a truth that hurt, but I have to say all credit to the T&R Minister for showing some humility in coming back here today with the community at the forefront of his mind. But,

Members, please let us all be honest and do not fan the flames of discontent and then complain about the heat. In other words, do not create anxiety, do not feed the speculation or add to the uncertainty – and yes, even the fear – then use it to evidence the then perceived failure of this Assembly.

1110 And getting back to assurances given by this Assembly and the whole choreography around the failure and promises, you can promise anything you like when you are running the surpluses that we have run historically, and we cannot foresee those commitments and give that level of financial support that we once could have done.

1115 We will today and this morning of course, hear the buzzwords: ‘shambles’ – if we haven’t already; ‘mess’, ‘dog’s dinner’, ‘rushed-through’, ‘ill-considered.’ You name it, they’ll all be there. And that is because those who still support selection at 11 desperately need to rubbish the final Propositions; (**A Member:** Hear, hear.) and as Deputy Fallaize said in his speech earlier, they are the disaffected.

1120 And if I can find it, sir, very quickly, I want to read from an email that we had yesterday evening.

‘Last week’s decision of the States of Deliberation to abandon selective secondary education would prove to be a defining moment for the current Assembly. I never imagined that our Government would have the courage ...’

There’s that word again – the ‘courage’ –

‘... to vote in favour of a non-selective education, but how wrong I was. Three members of my family are qualified teachers and all three are absolutely thrilled with the States’ decision, as are, apparently, the majority of their colleagues.’

Can we please bank that, and bank the two votes that we have already taken – one by 26 and one by 27 – and move forward.

1125 And please do not try to deconstruct this debate again, to put obstacles in people’s way, to lay across the tracks, to stymie progress. Deputy Brouard was explicit, he is clear he does not like change, or the nature of change.

1130 But there are many more members of our community – and I do not like the term particularly, ‘the silent majority’ – but clearly, selection is not universally popular, we know that. Can we please move this debate forward and support this amendment.

Thank you.

The Bailiff: Yes, Deputy Green.

1135 **Deputy Green:** Sir, thank you.

I will try to be brief as well. Like others, it is not an ideal situation that stands before us this morning, in light of what happened last week. First of all I would like to give credit to the T&R Minister for the unreserved apology he gave this morning. I think that was entirely appropriate.

1140 And I did agree with what Deputy Domaille said this morning, that this amendment does seek to rationalise the situation that we have before us because, as Deputy Fallaize said, the States did make two big key decisions last week – one on selection, to go with a non-selective approach; and secondly, to go to a three-school model.

1145 Now I wanted a four-school model, I spoke in favour of that and voted accordingly and I have not changed my mind on that, but the decision was made and when we went to the vote the three-school approach was successful and you have to respect that in a democracy.

That is not what I wanted but there it was. And I think in light of those circumstances and those two decisions made, what this amendment does, I think, is try to inject some proper due process, proper correct governance in terms of how the decision would be made off the back of those two earlier decisions made last week.

1150 I would suggest that this is possibly something that I can support because it is the only way that we can now keep at least the possibility of the rebuild of the La Mare de Carteret High School

on the table. It does that. So it does, if you like, return us to the proper due process that we should follow.

1155 We are not going shape what the structure of the future educational estate is on the floor of this House, it would go back to the Committee for Education, Sport and Culture. Obviously they would have to consider first of all those two options that are spelt out in the amendment and then return with a policy letter. That is the right way that policy should evolve in this structure of Government that we have.

1160 Just to respond to some of the comments that have been made. I think it is worth saying, sir, that I think the Education Committee this term has done everything – *everything* that has been asked of it by this Assembly. The proposals that we came up with in our policy letter for a four-school model and for a modified system of selection moving away from the 11-plus, that was based on our honest judgement of what we thought was best for this Island. People can agree with that, they can disagree with that, they can accuse us of all sorts of things, but at the end of
1165 the day that was our honest judgement, which we took.

So, where does that leave us sir? I think I do not have enormous enthusiasm for this amendment but I will support it because I think, given the situation we are in, it is not ideal. It is not the situation I wanted to be in, we are where we do not want to be, etc. etc. That is the reality. I think this is probably all we can do to restore some proper governance to the decision that has
1170 to be made in light of the circumstances that we are now in, given those two key decisions made last week.

So, without any enthusiasm, I will support this amendment.

The Bailiff: Deputy Le Lièvre.

1175

Deputy Le Lièvre: Thank you, sir.

I just want to make five very, very short points.

Firstly, I agreed to second this amendment with no hesitation whatsoever.

1180 Secondly, as many Members have said now, last week – only 96 hours ago or so – this Assembly decided by a majority that it would follow a three-school, non-selective system.

1185 Thirdly, that Deputy St Pier told the Assembly right at the start of this debate, I think, that there would be consequential and sequential amendments. This is that amendment. It follows the key decisions made last week, with a variety of choice to enable the new Education Committee – the Sports and Culture Committee – to come back to this Assembly, to the *new* Assembly, with a range of options that have been set out properly and in great detail to enable the Assembly to make the final decisions on the proper, considered way forward.

1190 Fourthly, I think this amendment goes further than that, in that it brings the College of Further Education into the mix for the first time; and if there is any area of Education's Estate that needs proper, detailed consideration with the rest of the estate it is the College of Further Education. The investment in it has been poor – and it shows. You only have to look at the Coutanchez site to know that it lacks investment on a huge state. It is just an appalling situation to be in.

Therefore it is equal to the situation that La Mare finds itself in. We must not consider one without the other. And this amendment allows us to do that.

1195 And the fifth and final point is that change is always painful. You cannot get away with significant change – and this is significant change of the highest order. You cannot get away with change without causing pain and suffering and worry. It happens.

1200 This amendment allows the situation to be slightly diffused; and it says go away, look at it again, come back to the new Assembly with detailed propositions that make sense for our Island's education. Not for the next few years, but for the next two or three decades. It is a sensible and pragmatic amendment that is sequential to all that has gone before and I would ask the Assembly to support it. Thank you, sir.

The Bailiff: Deputy Wilkie.

Deputy Wilkie: Thank you, sir.

1205 I am going to try and explain some basic figures, sir. I am going to keep it very simple because without a diagram it is very hard to explain figures.

Now, we know it is going to cost £19 million to build a new secondary school. Now let's call that, for sake of argument, £20 million to make the calculations easier. Now, for a 600 school, £20 million, from that it will be reasonable to assume that a 150-pupil extension would cost one
1210 quarter of a 600 school – which would be a very conservative estimate of £5 million.

Now sir, I accept that the ground works at Le Mare de Carteret site may be more complicated than other sites, so let's halve that from £12 million to £6 million, and then let's divide that by four to give the correct ratios, so that would be £1.5 million towards our extension; and let's add another £500,000 for design work. That is £7 million for a school extension. And I would be so
1215 bold, sir, to suggest that that would be an *extremely* conservative estimate.

Now let's multiply that £7 million by the three required extensions. Lo and behold it equals £21 million. That is £2 million more than it costs to build the secondary school at the La Mare de Carteret site.

I would also remind Members that this does not include the purchase of the land adjacent to the schools, because on two of the sites the States do not own the land.
1220

And I would further remind Members –

Deputy Hadley: Point of correction.

1225 **Deputy Wilkie:** That it would probably take years of negotiation, before a compulsory purchase order –

Deputy Hadley: Point of correction, Mr Bailiff, if I may.

1230 **The Bailiff:** Deputy Hadley.

Deputy Hadley: The cost of extending the three schools is put by the Department at over £12 million a site, not – I thought him say £7 million. So the cost of extending ... that is £36 million on top of the cost of the land.
1235

The Bailiff: Are you correcting the point of correction?

Deputy Sillars: Sorry, sir.

I think so, or trying to understand. It is £12 million which is the estimated cost for St Sampson's to be extended; but there are no costs currently, because we have not had to do that, looking at the other two extensions.
1240

So it is at least the £12 million. I think Deputy Wilkie was correct.

Deputy Wilkie: Thank you, sir, I did say that I was being conservative, to make my point.

And I would further remind Members that it will probably take years of negotiation before a compulsory purchase order could come to fruition, putting back the build of the extensions to a minimum – and I mean a *minimum* – of five years. Quite possibly more.
1245

Now, how much are we going to have to spend to keep La Mare de Carteret going for another five years? I would suggest it would be a considerable sum, maybe more than the £5 million that has been mentioned.
1250

Now, delaying the build will cost this States greatly and that will be the true result of this amendment. The financial implications at a glance, using basic conservative calculations, are extremely worrying.

1255 If you are in business or in Government and you have a winning team creating results, improvements and outcomes that far outstrip all their competitors, you put your resources into that winning team – and we are proposing shutting down our winning team, sir. And that just does not make any sense. La Mare de Carteret is an educational success story. Back your team who are producing the goods – that is how you improve results.

1260 Sir, I would ask Members to vote down this amendment and back your winning team by supporting Proposition 3 in the policy letter, unamended, and rebuild La Mare de Carteret school. Thank you.

The Bailiff: Deputy Gillson.

1265 **Deputy Gillson:** Sir, I think the comments about costs of rebuilding the other schools are quite misleading, because if La Mare is built at 960, the total Island capacity is 3,455 students. The total demand, including 5% in Education's predictions are 3,354, so building La Mare and going to a three-school model means that we would end up with 101 spare places. There is no need to extend St Sampson's or Beaucamps.

1270

The Bailiff: Does anyone else wish to speak? No?

Deputy Sillars, do you wish to speak to the Committee before St Pier replies?

Deputy Sillars: Yes please, sir.

1275

The Bailiff: Deputy Sillars then.

Deputy Sillars: I will go through some of these points – I will not be too long, because of the excellent speeches from the Education Department members, I am very proud of you all.

1280 This policy letter should have been made in the early part of this political term and several Deputies have said this and what they would have done.

Well let's remember, let's remind ourselves, let's remind you where we were earlier in this term.

My board's main priority was to improve the education outcomes for all our students.

1285 **(A Member:** Hear, hear.) The La Mare has really performed a great turnaround and they are all to be greatly congratulated for what they have achieved. St Sampson's has also come a very long way, and both of those high schools have just had great inspection reports. So well done to all those involved. **(A Member:** Hear, hear.)

1290 But can you imagine what would have happened if we had brought our recommendations, perhaps in 2012 or even 2013, when the results in 2001 were 11% at La Mare, 22% at St Sampson's? What would you have done? You would not have supported at all! We are having a job as it is, but it would not have been supported at all. But they've done *really* well – and not to forget Beaucamps either.

1295 I am not going to mention the FTP savings that we have had to produce, the Pre-school Policy we brought in to commence in January 2017. I am just mentioning those two. Michael Gove tried to derail us with his A Levels and AS Levels and GCSEs as well – but I will not bring all of that up. But we got there with all the help of our great staff at the Grange, **(A Member:** Hear, hear.) and that was the centre at the Grange delivering on those particular points. So I am not taking away from what the schools have actually delivered.

1300 Deputy De Lisle, an apology for de-balancing the Education by not listening to the consultation. Unbelievable! Deputy De Lisle proposed that we would only build the high school and not the primary school, not the pre-school, not the Autism Centre. By his amendment – if it had been passed, thank goodness it was not – there would have been huge uncertainty for a whole different set of our parents and children. So congratulations on this. Thank goodness we kicked that out.

1305 Deputy Hadley and Deputy Hunter Adam. Yes, thank you, this amendment will allow for option
c) to be considered and all the three-school options to be reviewed and will include all the costs.
Somebody asked a question, I cannot remember quite who it was, but we have sunk about
1310 £2.3 million, so far has been invested in the La Mare de Carteret – oh, it was Deputy Trott of
course – you probably knew the answer to that anyway. (**Deputy Trott:** No.) But it is £2.3 million,
that we have put into that and of course if it is thrown out and not rebuilt then that is completely
wasted money, I accept. But actually if we are able to and I passionately would love it to, then it is
not wasted, it has just been unfortunately put on hold.

Deputy Sherbourne, it was a great speech – oh, there he is, good! And I absolutely fully agree
with you, so thank you for that.

1315 I just really wanted to go on to a couple of things. Oh hello! Yes, sorry I will give way.

The Bailiff: Deputy Trott.

1320 **Deputy Trott:** I am very grateful for the Minister answering that question, sir, but that was
only a part-answer. I asked how much *staff* time had been included as well, because there is a
belief that staff time runs to hundreds of thousands if not millions as well. And I think that without
that figure, it is impossible to know just how much resource has been deployed so far.

1325 **Deputy Sillars:** Yes, Deputy Trott, you are correct, but actually I also add that I get paid as well.
So as politicians, we have been involved. It is an impossible figure to get, but it obviously will be –
not because of what I get paid – but it will be a substantial sum on top of that. But those are the
absolutely *attributable* costs that we can place on that, so it will be more than that, I accept.

What I wanted to go on to say was the comment really from the NASUWT, I will just read that
out to you, through the Chair:

‘Three-school model throws pupils, parents and staff into the turmoil of uncertainty.

Commenting on the States’ vote to move to a three-school model, Chris Keates, General Secretary of the NASUWT, the
largest teachers’ union in Guernsey, said:

“It is deeply disappointing that the Deputies have chosen to ignore the coherent plan put forward by the Education
Department, in favour of the late-in-the-day proposals from Treasury and Resources which have no educational
rationale.

The over-riding test for any reorganisation should be whether it will enhance provision and raise standards.

All this decision will do is throw parents, pupils and staff into the turmoil of uncertainty about what the future will
hold.”

1330 My board absolutely agrees with that statement. Our preference was of course for the four-
school model. It was consistent with the public consultation finding – 70% responding to the
online questionnaire wanted four.

1335 This amendment though, allows the new Committee to look at all the options for the three-
school models. The decision we took last week was ill-thought out; written on a blank cheque;
unintended consequences for students, staff, parents and the community; jeopardising working
relations between the schools. The La Mare High and the Primary and the current Autism bases,
will continue for at least another five to six years as they are. The Amherst Nissen huts, crammed
at St Sampson’s, will still continue. The staff are doing an excellent job, but they will continue as a
result of what we decided last week.

1340 There is also urgent need for capital expenditure. The La Mare de Carteret High School and the
Primary School: it is not acceptable for these students and staff to have to work in such facilities
because of the indecision of this Assembly. In an initial estimate – we have already started looking
at what the initial estimates could be. An initial estimate for bringing the two schools, to be able
1345 to survive, it you like, for the next five years, is circa £2 million – £2 million for the refurbishment
of the high school and the primary school to keep it going for another five or six years and
obviously the expenditure needs to be front-loaded in the first two years.

1350 The estimate based upon current prices includes the replacement and/or the refurbishment of elements that are already below an anticipated standard, or are highly likely to fall below that within the next five years – so doors, window replacements, roof-covering replacements, suspended ceiling replacements, floor-covering replacements, internal redecorations and lighting replacements, just to name six. We cannot leave them as they are, we have got to invest that money immediately – and that is really why I am grateful that this amendment covers that. Bit I will touch on that in a minute.

1355 We also need money for the golden handcuffs, to retain our excellent staff. I have to say, we have already had some teachers asking us to give references for jobs that they are applying for. That has happened in only the last three days. And we *must* keep them, because otherwise everything that we have done to date will just fall apart – and that will be totally unforgivable. This amendment does allow us the money to retain staff and make the buildings wind- and water-tight that I have just talked about.

1360 I would like to thank Deputy St Pier for allowing me to have some input into this amendment, especially on the two areas that we just discussed and that has enabled us – me – to support it.

1365 Please, we must support this amendment. Sending Education to look at all the three school options and to bring back to the States sensible, well thought-through models, educational benefits to the fore, with all the costings, so that the new States will have before them a true value-for-money option and not just the cheapest.

Thank you.

The Bailiff: Deputy St Pier will reply.

1370 **Deputy St Pier:** Thank you, sir, and thank you to everyone who has participated in the debate.

Thank you to all those who have indicated their support for it; and I think, as Deputy Fallaize said, those who spoke against it really I think are clearly against the decisions which this Assembly has made in the last week so far. So I will only pick up on a couple of points that have been made by a number of Members.

1375 Deputy Gollop said that this amendment pre-supposes that the 11-plus has ended and that it is a three-school model. Well yes, precisely, that is the whole point. It is a consequence of those decisions last week. And Deputy Gollop also, as did Deputy Conder, mentioned the grant-aided colleges and Deputy Gollop said that this amendment would require the justification for the grant aid to be provided in a way that it had never been done before.

1380 Absolutely. That is precisely the point that it is important that there is a clear rationale for the grant-aided colleges in our secondary school system particularly when it is non-selective in view of the decision that has been made.

1385 What I would say, is by the deletion of the existing Proposition 2, it deletes reference to paragraph 7.45 in the Billet with what are described as a list of principles. I am not sure they are necessarily a list of principles, they are a list of various points, one of which is the principle of reducing this funding further. Well actually, if we determine that the role of the colleges is to help provide capacity into the system, then our view in relation to the quantum that we provide to the colleges may be rather different.

1390 So I think it is important that, once again, we have much more flexibility around the role of the grant-aided colleges and therefore it is better to delete those references in paragraph 7.45, and that's what this amendment seeks to do.

1395 Deputy Dave Jones referred – as did a number of Members – to the apology which I made at the beginning of my opening speech laying this amendment. I should make it clear, I have absolutely no regrets whatsoever at laying the amendments that I did last week, to get the States to make the decisions in the right order in relation to selection and then the issue of the number of schools. (**A Member:** Hear, hear.) And I believe, and remain of the view, that that was the right decision in view of the report that we had in front of us.

1400 Deputy Trott picked up on the policy letter point. He has forgotten that we have changed the rules and we now refer to policy letters and the reference of States' Reports has gone. He termed it as a 'back of fag packet.' It is difficult to keep up with the Rule changes –

Deputy Trott: I apologise. That missed me, that passed me by.

1405 **Deputy St Pier:** He referred to it as a 'back of a fag packet' amendment but, sir, it is a product of where we are. Something had to be done. It is, as Deputy Lievre said, this amendment is entirely consequential on the decisions that were made last week. The remaining propositions made no sense whatsoever in view of the decisions that had been made last week. So it is on that basis that it has been presented.

1410 Deputy Brouard referenced evidence-based decisions, and again I would say, sir, that is intended to be what this will achieve. It is intended to require the Education to come back to us with the evidence of the educational impact and the financial impact of a three-school model, in order that decisions can be made as to what the shape of the estate should be, on the back of that which is presented to us.

1415 Deputy Domaille, again, offered his support albeit in recognition that this was making some sense of the decisions last week, I think was the phrase that he used. And Deputy Sherbourne, again, I think his reference to the fact that this would enable consideration of particularly the role of the College of F. E. and post-16 education and lifelong learning, as being a critical part of the overall Education policy setting, is required and that this amendment will allow that.

1420 And on that note I will close, sir; and do ask Members to support it. And I think we ought to have a recorded vote, sir.

Deputy Trott: Sir, I did ask a specific question –

1425 **The Bailiff:** Deputy Trott.

Deputy Trott: – which I would like to repeat.

Members will recall that I asked what does Proposition 3 mean in practice, with particular regard to the retention of schoolteachers?

1430 And the question I would pose, if I can summarise, is: will it result in a two- or maybe a multiple-tier system salary structure for teachers? And is the Minister able to give us any indication as to what the cost of such an unusual policy will be?

The Bailiff: Deputy St Pier.

1435 **Deputy St Pier:** Sir, the amendment says that it may be necessary to provide funding. The consequences of this will be for the Education Department to consider, and clearly they have now the responsibility of taking all of these propositions forward and dealing with the consequences.

1440 But the question of the uncertainty in the secondary sector, which I addressed in my speech, is and was an inevitable consequence – I cannot remember who made the point – irrespective of the language that I chose to deploy last week. The decision to move to a three-school model has injected that uncertainty into the secondary system. It is incumbent on the Education Department to manage that. How they choose to do so, and what is required, is entirely a matter for them.

1445 **The Bailiff:** Well, Members, there has been a request for a recorded vote on the amendment proposed by Deputy St Pier, seconded by Deputy Le Lievre.

There was a recorded vote.

Carried – Pour 36, Contre 8, Ne vote pas 1, Absent 2

POUR

Deputy Harwood
 Deputy Kuttelwascher
 Deputy Brehaut
 Deputy Domaille
 Deputy Langlois
 Deputy Robert Jones
 Deputy Le Clerc
 Deputy Gollop
 Deputy Sherbourne
 Deputy Conder
 Deputy Parkinson
 Deputy Bebb
 Deputy Lester Queripel
 Deputy St Pier
 Deputy Gillson
 Deputy Le Pelley
 Deputy Ogier
 Deputy Fallaize
 Deputy Laurie Queripel
 Deputy Le Lièvre
 Deputy Spruce
 Deputy Collins
 Deputy Duquemin
 Deputy Green
 Deputy Dorey
 Deputy James
 Deputy Adam
 Deputy Perrot
 Deputy Burford
 Deputy Inglis
 Deputy Soulsby
 Deputy Sillars
 Deputy Luxon
 Deputy O'Hara
 Deputy Quin
 Alderney Rep. McKinley

CONTRE

Deputy Trott
 Deputy David Jones
 Deputy Lowe
 Deputy Paint
 Deputy Brouard
 Deputy Wilkie
 Deputy De Lisle
 Alderney Rep. Jean

NE VOTE PAS

Deputy Hadley

ABSENT

Deputy Le Tocq
 Deputy Stewart

The Bailiff: Well, Members, the result of the vote on the amendment proposed by Deputy St Pier, seconded by Deputy Le Lievre was 36 votes in favour, with 8 against, and 1 abstention. I declare it carried.

1450 Is there any general debate? (*Laughter*)
 Deputy Gillson.

Sorry, let me just check are there any more amendments? There had been some amendments being circulated, but I do not know if there are any more to be laid. I had better check on that first. Are there any more amendments or sursis, or anything else to be laid?

1455 **Deputy Le Clerc:** Are you pleading for some, sir?

The Bailiff: No, no. It is just – after 5 minutes.
 Right in that case we will move into general debate and I have requested that a consolidated set of propositions incorporating the amendments be prepared. I hope that it may be possible to circulate that fairly soon.

1460 Deputy Gillson.

1465 **Deputy Gillson:** Sir, I appreciate we have been debating this for a long time and I do not really wish to extend the debate, but the Billet is a public record and may well be referred to in future

and so I must correct some of the – what I think are significant errors or misleading statements – that have been contained in it or made in relation to the colleges.

I think some of them in the consultation have been so fundamental, they cast doubt on how ... people may have come to different conclusions had these statements not been in there.

1470 Firstly, the funding structure. Again there appears to be a fundamental misunderstanding of what was agreed in 2011 in terms of the nature of the structure. On page 1584 of the Billet, 38 of the consultation document, there are two paragraphs which go into detail as to how the grant is funded. The first says a general grant is paid per pupil; then the second paragraph says the colleges receive an amount equal to the fees of special place holders.

1475 It is technically correct but it is misleading, because the obvious way of interpreting those paragraphs together is that the total grant is calculated on a bottom-up approach, but it is not. But indeed if you turn the page to 1584, there is a little diagram which shows – 1585 rather – there's a diagram which shows Total Grant equals Pupils multiplied by General Grant plus Special Place Holders multiplied by Fees

1480 And so that reinforces this bottom-up calculation.

But that is not really what happens, it is not correct. In 2011, one of the objectives of the review of funding, was to give certainty on the total cost to the States; and that was done.

1485 Now, the agreement produced after a significant amount of work from Tribal Helm, the forerunners of Capital, reviewing all the accounts of the colleges, established that the total grant at that time using an old methodology was £4.7 million. Now this lump sum was taken as the starting point of the grant going forwards and the States agreed that the £4.77 million would be reduced over the seven-year life of the agreement by £1.1 million, with annual reductions being explicitly mentioned in the Billet and subject to explicit States' Resolution.

1490 So the total grant is not calculated from a bottom-up approach and it is important, because later on in the consultation, there is an implication that the colleges are receiving something that they are not entitled to. And it is that point which I think Deputy Gollop picked up on.

Now, sir, I think I would like to move onto page 1587 of the Billet, which is 41 on the consultation, where there is a statement which, although accurate, is again misleading because it says:

'Increasing College funding would be extremely difficult in the current financial climate as it could not be funded from within the Education Department's current Budget.'

1495 That is absolutely true, but funding does not come from the Education budget, it is not part of Education's general budget. Budget for colleges is ring fenced outside Education's general budget.

Now if we turn to page 1588 there is another misleading statement and one that I have spoken to the Minister about before, and it is the bottom right hand box of the top box – where it says:

'Continues the current anomaly of funding unfilled spaces for special place holders.'

1500 That may have been the position pre-2011, but it is not the position now. And, sir, perhaps I can explain this by explaining how the £4.7 million being reduced to £3.6 million is allocated between colleges.

1505 The States passed a resolution on the total amount of the grant £4.7, reduced to £3.6 over seven years. It then left the Education Department and the colleges to come up with a way of determining how that calculation would be apportioned; and the method was agreed that the first slice or first tranche of that £4.7 million would be to pay for special place holder's fees. The balance would then be apportioned to all the three colleges, *pro rata* the number of students and that is what we agreed – the colleges – with Education Department.

1510 Now of course what comes out of that is was then a question. How do you determine the number of special place holders? Do you determine it on the actual number, or the maximum, which is guaranteed of 23 to the colleges and 6 to Blanchelande?

Well because some people leave the Island and the number of special place holders does change, it was agreed with Education that the simplest way would be to take the standard number of special place holders. And that was agreed by Education because it has no effect on the total amount that is paid – if you change the number of special place holders all that happens is the second part of the grant calculation goes up a little. So when it says ‘there continues an anomaly there’, that is misleading, because it is not – it implies that the colleges are getting something which they are not entitled to. But actually the total amount of the grant is set and it is particularly galling when I think I remember I was told by our previous bursar, that in negotiations it was a member of Education’s own staff who said that this is the best option, because it is the simplest option.

Now if Education have never come to us to say, ‘Actually, we would like to change the formula and do it on actual numbers’ – because they know full well that it would become very complicated. Do you take actual numbers at the beginning of each term, the beginning of the year, half way through the year? And when you think it does not make any difference to the total cost to the States, this is the most pragmatic option. So I do find that being reiterated – and that it is reiterated in the body of the report very annoying, because it is misleading.

Sorry, sir, I am just cutting through my speech, with it being late. I probably will tell you what the rest are.

I think I should be fair to the Education and the report, it does say on one particular page that it is a two-stage calculation, but unfortunately the paragraph starts off:

‘In practice under the current arrangements’

– which implies we are doing a shortcut. It is not ‘in practice’ – that is actually what was agreed.

Now, I think I would like to refer to page 1588 of the document. Again it is part of the consultation document and it is again a mistake, an error, or rather it is just plain wrong.

It says in the box here, in relation to reducing policy funding:

‘Release of expenditure would provide an opportunity to reprioritise Education Department expenditure on community priorities e.g. universal entitlement to pre-school education’

Again, this implication is that the grants to the colleges form part of Education’s general budget. It does not. I referred back to the 2011 States’ Resolution, particularly Resolution 5, which said, and I quote:

‘to approve that the Colleges’ Budget continues to be a separate Education Department Cash Limit and remains separate from the Education General Budget;’

It is very clear; it is very explicit. If there is a reduction in the colleges’ budget, it goes back to T&R. It goes back to the general pot for allocation to any service. Any saving is not within the gift of Treasury – of Education, rather – to reuse within the Education Department.

Now, unfortunately, that sentence is repeated on page 44, page 45, page 46 and page 47 of the document.

If we look at page 49 and page 1590 there is another myth which is perpetuated as fact. Midway through the paragraph is the following statement:

‘although it is not uncommon for children to be moved from a private primary school to a States primary school at the end of year 4 so that they are then eligible for a special place at one of the Colleges.’

That is an urban myth. It may have been true a few years ago, but I have checked with all three colleges and the best information they have got is that each college may have had one in the last 10 years, so given the number of primary school students, three in 10 years is very rare – to say it is ‘not uncommon’ is an inaccuracy.

Now I go to another page in the Billet, 1511, which I will turn to. This is an interesting one because it is a paragraph about future funding and if I read you this, it says:

'From this same question 51% agreed/strongly disagreed with increasing funding, 47% disagreed/strongly disagreed with decreasing funding; 33% disagreed/strongly disagreed with maintaining funding.'

So you have got three lots looking at the same thing. Those three percentages add up to 131%, which I found quite strange – and it says from the same question.

1555 That is my detail of the Billet, sir, but regarding the finances – and I think Deputy Trott has mentioned this already – we have had at a public presentation, statements made of a lack of understanding of College's finances. And I find that a little strange because Elizabeth College's accounts are published in the States' Accounts Billet, Ladies' College budget and accounts are published in the States, Blancheland's are not published – but the Minister is a Member of their governing body.

1560 But that is not the limit of their knowledge because as part of the review in 2011, which Tribal Helm did, they conducted a full review of the colleges' finances before coming to the conclusion that the £1.1 million was the *maximum* realistic reduction that the colleges would be able to stand. So there is an awful lot of information that they have had and so it is quite wrong to say that we do not understand the information.

1565 We are subject to a list of KPI information that we provide to Education. That includes attendance, not on an individual basis but percentage attendance records, destination of leavers, GCSE results by subject, audited accounts, pupil numbers and, interestingly, a set of financial additional information. We provide everything they ask for so I am surprised when they say they do not understand it because we are providing the information they are asking for.

1570 We also provide something else which is, for individual special place holders their full GCSE results on an individual basis – which I think is very important and quite rightly we do.

1575 One other piece of information which we provide, sir, I think is quite important information, because mention has been made about trying to ensure the value that the Colleges get and this is one I would say specifically for Ladies' College – we give the value-added overall figure for this College. Now just to remind people of how value added works: it is not related to actual results in terms of the grade people get, but students take tests at age 11; those results are sent off to Durham University who have been doing this for 30-odd years; that makes a prediction; when they take their GCSEs the two are compared and the amount that the results are above the prediction is the value added.

1580 Ladies' College comes up in a percentage which in standard deviation, it is a couple of standard deviations above the norm. To me that is meaningless. What makes it important is, that means that in terms of value added the Ladies' College is in the top half percent of schools in Britain that Durham do this for – and that is thousands of them. Yes, the *top half* percent.

1585 So that is enough about Ladies' College. I was a bit rushed but I just wanted to correct some of those anomalies.

In general, this has been a long debate; we have made, and hopefully we will stick with, two significant decisions. What I want to do is just echo something Deputy Conder said about the significant improvement in the high schools, because a lot of people have been saying that the Grammar is great – and almost implying the high schools have not been performing.

1590 If we have the standard of 50% A to C with English as the gold standard for any community, and with a community where you take the top 25% *out* for the Grammar School or the Colleges, the high schools are left with the first 75%. For the Island to achieve 50% they need to only achieve a 33% of their students getting five including maths and English. They are *all* over-performing that and even in the year of 2011 Beaucamps was –

1595 I'll give way.

The Bailiff: Deputy Conder.

1600 **Deputy Conder:** I thank Deputy Gillson, I think he was about to make exactly the point I was going to make, so I apologise if have cut him off.

I would like to make the point that Beaucamps in the year 2011 was achieving excellent results in the terms of the parameters that he just identified – and I do not think I made that clear in my speech.

1605 So I am glad to have this opportunity – and I am grateful to him for giving way – to emphasise that Beaucamps was achieving excellent results in that particular year, and afterwards, and before, sir.

Thank you.

1610 **Deputy Gillson:** You are right on both counts with the results and I was just about to say that, because at that time I sent an email to the Head Teacher at Beaucamps congratulating him and pointing out that I understood that they were doing a very good job and were continuing to meet the targets – or exceed them. So I think that needs to be remembered, the high schools have come a long way and they are not failing, they are doing very, very well.

1615 So, sir, that was a bit of a rushed speech because I know that we are getting on, but I felt I had to make it. (*Interjection*) And I hope that we do all stick with the two decisions we have made so far.

Thank you.

The Bailiff: Yes, Deputy Ogier.

1620

Deputy Ogier: Thank you, sir.

1625 I voted last week for the amendment to remove the 11-plus as the method for selection, but I gave advanced warning of some of the concerns I had over behaviour in *some* of our secondary schools, and what that means for all our children. And it is a concern that many in our community have.

I am opposed to the 11-plus as a method of selection, but I am also opposed to putting high academically-achieving children into schools, some of which have obvious behavioural problems; which, combined with a policy of non-removal of those disruptive children, has led to history of disruptive learning experiences for some children. And that causes me serious concern.

1630 Maybe my words will cause some discomfort among Education Department members but, as a parent myself, I hear the stories from other parents. I know teachers in these schools and some of them write to me and these concerns should be aired.

1635 I understand, and we know, that some children arrive at school already switched off to learning and continue on in that vein throughout, and prove to be a very disruptive influence. I am sorry that is the case and I am sorry for the situation these individuals find themselves in. But in my view their own particular situation does not grant them the right to affect other children's' learning experience.

If that is the case, steps need to be taken to ensure their own personal circumstances do not affect children who are willing, ready and able to learn in an environment which should be free from disruption, should be free from anti-social behaviour, and should be free from the fear of bullying. So those children may continue to be switched on to learning. But that desire seems to be at odds with the Education Department's inclusivity policy. Simply putting the children who would go to the Grammar into the secondary schools and leaving it at that runs very high risks.

1645 I and other parents need to understand from the Education Department, what will be done in some secondary schools to ensure that a safe and fearless environment is achieved and then maintained. I am hearing from parents and teachers alike that there are some serious issues in some of those schools, and adding in children very switched onto learning runs the very real risk that they become switched off over time. (**A Member:** Hear, hear.)

1650 A teacher from a secondary school wrote to me that, 'It is nearly impossible for us to permanently remove a child from our school who has consistently proven, often over years, to be unrelenting in his or her obstinacy toward learning, and is consistently detrimental to the learning of others.'

1655 Consistently detrimental to the learning of others. And as I informed this Assembly last week, that I was informed by the Education Department that they do not remove – their policy is not to remove severely disruptive pupils and it is their policy to have an inclusivity policy. I have doubts that this inclusion policy is working. Now it may be working for the individual, but not for those around them and not for those affected by them.

1660 And I ask: what is being planned to ensure that behaviour is regulated? How will antisocial behaviour be contained? Is the inclusivity policy to be revisited? And why is it that in every case I have heard of, it is the victim who changes schools?

I am sure we have all had the same experience – people we have known, families, children – it is the *victim* that changes schools. And that is the wrong way around.

1665 Since having children at school I have heard of many bullied and victimised children leaving their school and moving to another to escape daily victimisation – many such cases. But I have heard of not one child engaged in such antisocial behaviour who has been moved. And why should the victims move?

1670 Another teacher with experience in both Grammar and the secondary schools, tells me that the hunger for learning is so limited by many, not all, but many students in one secondary school in particular, their suggestion to me was to go in and ask the staff what percentage hand in homework from Year 9 upwards – as homework completed is very low? Now I have concerns that we are putting high academically-achieving children into those environments. I need to be assured that that is going to change.

1675 I have voted to remove the 11-plus and this Assembly was persuaded to go for a three-school model, as we were informed there were financial benefits and educational benefits. But hearing Deputy Conder's words this morning on the educational outcomes of our secondary schools, and giving Education's arguments further consideration, I am no longer convinced that educational outcomes would necessarily be enhanced by a three-school model. Yes, a greater number of children in fewer schools would enable more subjects to be taught. Greater choice but maybe some of the close connection and pastoral care with our children would be lost, and educational outcomes may not necessarily be improved.

1685 It depends on whether you believe that having close contact with children and by working closely with those children on perhaps a fewer number of subjects, with greater success, represents a better outcome. And I think La Mare de Carteret has achieved a remarkable improvement in results since additional resources were introduced in 2012, (**A Member:** Hear, hear.) showing that buildings do not result in great outcomes, teachers and pupils do.

1690 Now, the funds required for the rebuild of La Mare de Carteret Secondary School, have the potential to be broadly similar to the funds required for the expansions required to other schools in order to take those children on board, and so there may be little in the way of financial savings. And the direction we are now heading in would seem to represent further uncertainty and further educational uncertainty.

I believe the 11-plus no longer works and needs to go, but I am also aware that we have removed access to the Colleges by those without the required funding and replaced it with no access. That also feels uncomfortable.

1695 So, I do have grave concerns that the direction this Assembly has chosen is the appropriate way forward; and, like Deputy Domaille, I am by no means clear I will support the amended policy letter, although probably for the opposite reasons. So perhaps there is something here that we can all find to agree on and support.

The Bailiff: Deputy Parkinson.

1700 **Deputy Parkinson:** Thank you, sir; and thank you also for promising to circulate a consolidated list of amendments, because I *think* I know where we are in terms of the propositions but forgive me if I go slightly wrong.

1705 As far as I am aware, Proposition 1 still says to remove selection at 11, (**The Bailiff:** Yes.) and then Propositions 2 onwards deal with the reduction in the number of secondary schools from four to three, and the consequential implications of that – and that analysis is going to underpin what I say.

1710 I voted in favour of the abolition of the 11-plus – removal of it. I said at the time, for me this was quite a marginal decision but I had come down on the side of supporting the Education Department's proposals. And I will remain on that side and I will continue to support Proposition 1.

1715 But I am afraid I cannot support the proposed reduction in the number of schools from four to three, and therefore do not need to support the consequential amendments that we discussed this morning; although I was happy to approve and to support the amendment that was laid this morning, because clearly the latest amendments from Deputy St Pier improve on what was previously an unsustainable position.

1720 I opposed the reduction of schools from four to three – I do not want to rehearse the whole debate that we had last week – but my rationale was simply that I do not believe the Assembly had before it the financial case, or even the educational case, to justify making that decision. If the Education Department had been proposing that and had done all the analysis, and we had decided we did not agree with them, and others had amended their report to introduce a different result, that might have been a different process; but as it was, they did not spend any time justifying a reduction from four to three – because that was not what they were proposing – and in fact the proposal came in the nature of an amendment, which frankly was supported by very sketchy evidence.

1725 So I do not believe that was a sound decision. I think it is a decision that the next Assembly will certainly revisit. The next Assembly may indeed revisit the decision on selection, although as I said I am content to let that stand.

1730 Most importantly I do not think we can leave a sword of Damocles hanging over the fate of two of the Island's secondary schools, possibly for years. If the new Committee for Education wants to reduce the number of secondary schools, it should come back to the Assembly with a reasoned case for doing that, setting out the financial comparisons and the Educational arguments.

1735 At the moment it is not even clear to me that it would save any money in terms of capital costs. Members, this morning, have been bandying around various numbers about what it would cost to extend the other schools, compared with the £19 million that it would cost to build the secondary school at La Mare. And Members may be reaching different conclusions. But what is quite clear is that there is no solid evidence. The numbers have not been worked out and we are supposed to be making evidence-based decisions.

1740 I give way to Deputy Fallaize.

Deputy Fallaize: I am very grateful to Deputy Parkinson. Often when people stand requesting Members to give way it is because they want to make a point that is hostile to the speaker, but this is not the case here.

1745 I am just concerned hearing ... Deputy Parkinson is really making an appeal for Members not to support the three-school model, because he supports the four-school model.

1750 Now, given Deputy Ogier's speech as well, will Deputy Parkinson agree with me that we could be left in the very unfortunate position if the States decide not to support the three-school model – and implicitly, therefore, this week want to support a four-school model – of not then having a vote on the La Mare rebuild, because that has been knocked off the table?

1755 And would Deputy Parkinson agree with me that Members who are going to ask in a sort of organised way, for the States to vote *against* the three-school model – and implicitly or otherwise for a four-school model – would be better to do it on the back of an amendment which then allows the States if they were minded to support that approach, to vote in favour of the redevelopment of the La Mare?

Otherwise, we could end up effectively with a four-school model endorsed, and then no approval to build La Mare, which would inevitably be needed as a 600-student school in a four-school model.

1760 **Deputy Parkinson:** Well Deputy Fallaize is quite correct, but the logical implication of what I am saying ... and I am saying that the financial case and educational case for reduction of the estate has not been made; and I could not stand in front of this Assembly and say therefore I propose that we go ahead and build La Mare. So he is absolutely correct.

1765 My preference at this stage would be for the States to decide to abandon selection and stop there. Full stop. Because I think the other decisions about the size of the Education estate have to be considered in a proper, orderly, rational way, (**A Member:** Hear, hear.) with proper evidence. And to decide to reduce the estate from four schools to three schools on the back of what has been presented to this meeting so far, frankly, is a dereliction of duty.

1770 **A Member:** Hear, hear.

Deputy Fallaize: Sir, on a point of correction, I was not suggesting that a decision is made on the estates under a three-school model, I was saying if the majority of Members this week are happy with a four-school model, it must make sense to go ahead with the La Mare rebuild for 600 students, because it is an inevitable consequence, is it not?

1780 **Deputy Parkinson:** Yes, personally I would prefer a four-school model on the information currently available to me. I have seen no sufficient evidence to justify reducing the estate to three; but I cannot stand here in front of the Assembly and say the three-school model is definitively worse than a four-school model.

1785 So I am not going to stand here and say we should support a four-school model and we should support the rebuild of La Mare. I do not know that that is the right conclusion. What I do know is that there is no rational basis for arriving at the decision that the Assembly arrived at last week on the size of the educational estate. And, in making that decision, we have left a sword of Damocles hanging over the fate of two of the Island's secondary schools – an uncertainty that will continue over their future for certainly months and probably years, that is unfair to the communities of those schools, the pupils, the teachers and the parents. And it will make the Education Department's position very difficult.

1790 The Minister has spoken about teachers asking for references already. How are they going to recruit teachers for the September intake against this uncertainty? And throwing money at them in the form of golden handcuffs I do not think is the answer. I do not think responsible teachers are going to move for a few extra thousand pounds into a situation where they may not have a job in a couple of years' time; and they want to do the best for their children – he children that they are teaching. You cannot bribe them with a couple of thousand pounds to put their doubts behind them and just carry on as if nothing has happened. (*Interjections*)

1795 So, I revert to my position. If the next Education Committee brings a report to the Assembly which, on a rational basis, justifies a reduction in the size of the Education estate, fine. Those of us who are here – and that may certainly not include me – will consider that report and support it, or otherwise. But that report will be prepared after consultation with all of the interested parties, and it will consider the mitigation that will be necessary to deal with any disruption caused by any restructuring of the estate. And it will be a properly-considered and developed report – not the position we are in now.

1800 And frankly this debate has proceeded, I think, most unfortunately, I do not think it shows the States in a good light at all. (**A Member:** Hear, hear.) This is simply not the right process to arrive at the decision the States reached. It is much too important to be tinkering about with a system which is serving the Island reasonably well at the moment; and where promises have been made and commitments have been given. Where people have made their plans and bought their houses

1810 even, on the faith of an understanding about what the education structure in Guernsey looks like; and it has been overturned frankly, on the 'back of a fag packet' argument that we heard last week (*Interjections*) and with complete disregard for the interest of the community. (**A Member:** Hear, hear.)

It is just irresponsible, it is insensitive and surely we can do better.

Several Members: Hear, hear. (*Applause*)

1815

The Bailiff: Well, Members, it is very close to 12.30 p.m. I propose we rise now, resume at 2.30 p.m. and there will be copies of the consolidated Propositions, as amended, on your desks when you return.

*The Assembly adjourned at 12.29 p.m.
and resumed its sitting at 2.30 p.m.*

The Future Structure of Secondary and Post-16 Education – Debate continued

1820 **The Bailiff:** Well, Members, we continue with general debate.
Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

1825 Deputy Parkinson spoke just before lunch, and he spoke about the decision process. I am very comfortable with the decision process. Obviously he has not been a Member of the Assembly for this term, but we debated it in November 2014 and we then decided on an independent report to be produced, and that independent report looked at – I am reading from the terms of reference:

'Scope and scale of the proposed schools and additional facilities

- Pupil capacity requirements
- Resultant size of the schools
- The need for additional facilities within the Guernsey context
- Space guidelines appropriate for classrooms and other school areas for the delivery of the Guernsey curriculum
- Life span and the proposed build specifications for the project considering the whole life cost in the context of seeking overall best value
- Any other issues considered by the panel to be relevant to ensuring best value for the project'

So there was a very good review done on that.

We again debated it in May 2015, and one of the resolutions of that Assembly was:

'To agree that there is a strong case for rationalising the education estate and for reviewing the structure of secondary education, including selection at 11 and to direct the Education Department: ...'

1830 So there is some very good debate and very good information, and again, within this Billet, there is a UCL report, which is an excellent report, which looks at all the research which is done on the project.

1835 So I am very comfortable, and he again puts the four-school idea forward but as senior teachers have told us, it is fundamentally flawed – that is their words, not mine – because of the hard federation, and we already know from the emails we have received that the soft federation is causing enough problems within the schools.

Deputy Conder when he spoke this morning, spoke about school size. He gave information about the size of La Mare de Carteret, but when you look at La Mare de Carteret, there are an awful lot of pupils in Year 11 compared to Years 7, 8, 9 and 10. In fact if, after this year goes

1840 through, the same number are in all years, you will be down to about 375 pupils, because of the large number in Year 11.

He compared it to Ladies' College and Elizabeth College, but they are fundamentally different, because they have sixth forms, and therefore they have got the ability to have teachers teaching in the 11-16 range, and also teaching in the sixth form.

1845 But the crucial thing is, all those schools have a limited range of academic ability. Elizabeth College and Ladies' College have entrance exams, and we know that the pupils go to the colleges and the Grammar School, in relation to La Mare. The crucial thing is, in the new system, now we have decided to get rid of selection, they have all academic ability, and the UCL report says the optimum size is 600 to 1,000 pupils for that type of school.

1850 Deputy Brehaut, when he spoke this morning, talked about banking the two votes we had yesterday. But where I am disappointed is because we have not banked the full two votes we had yesterday because we have deleted part of the 1A, which was 'with at least one making provision for ages 16 to 19 at sixth form'. We have deleted that from 1A, so we have removed one of the decisions that we had made last week.

1855 In terms of buildings, I want all pupils to be educated in good-quality buildings which are fit for purpose, and I want that to happen as soon as possible. I think we have taken a step back by deleting 1A rather than striding forward as we could have done, because we have effectively widened the review from where we were. Now we are not just looking at one school having a sixth form and extending three schools. We are also looking at the Grammar School site being made a college of FE. That is going to delay the decision-making process and mean that pupils at La Mare are going to be there for longer, if we go to that model.

1860 Deputy Hadley spoke about maintenance, and I think also Deputy Sillars, but when I have been round the schools – and I think Deputy Queripel came round with me – we were extremely unimpressed with the quality of maintenance that had been done. I think I have said in a previous debate, it was highlighted by the fact that the pupil who showed us round said that the girls had got so fed up with the quality of just the decoration, they had actually redecorated their own toilets. But there were many other examples of things that could have been repaired – like lockers which had doors hanging off, clothes pegs which were missing in the changing rooms – which are totally unnecessary and were not very expensive, but would improve the feel of the school.

1865 So I want the next stage just to be focused on the narrow review of three schools and one with a sixth form, rather than the wider reviews which are in the 2a) i) and ii), because I want this review to be as short as possible. As I have mentioned, we have had numerous debates for a long time, and I do not think it is good to continue this decision-making process. I think we need to move to a decision, and I think the decision we made last week was right, in terms of one having a sixth form.

1875 Many Members have said about their concern about the uncertainty because of the situation. Well, if you vote for 2a) i) and ii) the uncertainty continues, and it continues for both schools. I do not think that is the best way forward, particularly when we have received communication from a number of teachers, and also research which has shown that a school with 11 to 19 is the best option for us.

1880 I will read some of the comments that we have received:

'All-encompassing tertiary colleges are shown to have a very poor student outcome in comparison to 11-18 provision. If the current sixth form centre was removed from being part of the 11-18 school and joined to the former tertiary college I see a drop in standards and ultimately the grades achieved by students, and also a major problem in recruiting high-quality staff over such a wide range of subjects.'

Another one says recruitment of high-quality staff specifically to work in 11-19 schools ... Sorry, recruitment is very good for staff to work in 11-19 schools and that they will be affected and career prospects if we go to tertiary colleges.

1885 Another one saying that you might finish up with part-time teachers, which will not be good for pastoral care for students.

So I think we have heard from a number of teachers that they feel that the best quality education is the 11-19 and we should listen to those teachers, I believe.

1890 But it is not just the views of those teachers. There was a London School of Economics report which was done for the Sixth Form Colleges' Association. They compared sixth-form colleges, tertiary colleges, maintained-school sixth forms and academy sixth forms. The colleges of FE did not come out as well as a school sixth form in terms of their performance, so I think there is research which shows that 11-19 schools are the best option.

1895 So I just do not see the point in investigating having a college of FE at the Grammar School site with a sixth-form centre, as I think that would be a backward step.

Also, if we go for La Mare School being a 960-pupil school, if you look at the map now for where children travel to school, it makes absolutely no sense. Children are crisscrossing the Island. In fact, children are going to La Mare, crossing over the Beaucamps catchment areas to get to La Mare. If you make La Mare even bigger, you will make it even worse.

1900 So if you purely look from an Island point of view, it is far more sensible to have a secondary school at the Grammar School site, and if its feeder area is town, that will make more sense.

We have got a Transport Strategy: we want pupils to walk and cycle. It makes no sense, making them travel across the Island from where the highest density of populations are –

I give way.

1905

Deputy Conder: I thank Deputy Dorey for giving way.

I think I am hearing ... Is he unequivocally ruling out the rebuilding of La Mare? That seemed to be what he was saying on the basis of the transport issues he was just discussing. I would just like to be clear about that, if he would, please.

1910

Deputy Dory: I have been consistent all the way along that I believe a three-school system is right. I said in the previous debate, it makes no logical sense to rebuild La Mare if we are going to a three-school system. I think it makes more sense to extend the other schools, but I do accept Deputy Parkinson's point that we have not had a detailed report on it, and we need to. We have made the high-level policy decision. I am very comfortable with the information we have got, making that high-level policy decision, but we need to have the detail because in spite of having numerous reports, you have not detailed that particular option.

1915 Going back to what I was saying about the Transport Strategy, we want to encourage more walking and cycling. The most sensible place to put a school is at the Grammar School site.

1920 Also, I was concerned about the number of people who have spoken about costs. When you look at the project review report, which is in appendix 9, and you turn to page 1751, it talks about the 600-pupil school being approximately 19% in terms of area above BB98 recommendations, but when you get to the 960 school, it is 3% less than the minimum recommended for that school in BB98.

1925 I will give way.

The Bailiff: Deputy Sillars.

1930 **Deputy Sillars:** Can I just, on a point of clarity – and thank you very much for giving way – I have not quite understood, are you advocating three schools with selection? Because you voted for selection, at 11-plus, so are you building a story for 11-plus to stay and to a three-school model?

I just wanted some clarity on that, please.

1935 **Deputy Dorey:** I think I made it quite clear, as we have voted to get rid of selection, I think the only model is a three-school model. That is what the States decided and that is what I was very clear on, when I spoke last week.

1940 But what I am trying to say is that there are a lot of people who have spoken about costs, but I thought we had a policy of building schools in excess of BB98 regulations. That is what we did for Beaucamps and for St Sampson's, and people talk about costs, but the 960 model is actually below BB98 recommendations. So I do not think the costs are a fair comparison, because we are comparing a school that would be smaller in space terms than Beaucamps and St Sampson's. The big argument that we had, when I was on T&R with Deputy Le Tocq and Deputy Trott, was the size of the St Sampson's school. I think we concluded on about 10% above at least the BB98 regulations. We are now proposing to build a school 3% less than that, which I did not think was States' policy.

1945 So I conclude by saying that I would ask when we vote, that we can vote separately on 2a) i) and ii), because I will vote against 2a) i), because I want to maintain 11-19 education, including a sixth form. I think that will reduce uncertainty. It will produce a focused report which comes out quicker. It is consistent with the information we have had from teachers. It is consistent with the information we have had from teachers about recruitment of teachers, and it will ensure that we do not have the results of the sixth form falling, as has been shown happens with tertiary colleges.

1950 So I think there are a whole lot of reasons not to do 2a) i), as well as the geographical reasons I have mentioned, and the fact that the costs are not comparable.

1955 So I would urge Members to vote for 2a) ii), which is consistent with what we did last week, in effectively banking those –

I will give way.

The Bailiff: Deputy Sherbourne.

1960 **Deputy Sherbourne:** I have a real problem. I tried to explain the other day the big issue with regard to benchmarking against national averages and local authorities. We know very well that there are some excellent tertiary colleges in the UK. They certainly are not all, and on average I have to accept nationally they do not perform as well as 11-19 schools and their sixth forms. But some do, and I honestly believe that you are in danger of leading the Assembly down a route based on average national statistics.

1965 I want to look at the *best* – the best performance. (**A Member:** Hear, hear.) We are not big enough to have a stand-alone sixth form college. Sadly we are not big enough. We are struggling in a way to have a standing college of FE for full-time students – 500 in each of them, 1,000 students. Sixth-form colleges in the UK are usually 1,000 plus on their own, to provide that broad range of subjects. So I think it is a false route to go down, in making a decision of such importance.

I supported the amendment –

1975 **The Bailiff:** Is this becoming a speech rather than just a give way?

Deputy Sherbourne: It is rather, isn't it? Oh, I'm sorry, sir. (*Laughter*)

1980 My point is that I think it is a dangerous route to go down. We are a special community with limited numbers, and we need to devise the most appropriate structure for this Island, and not be carried away with established practice that might not be appropriate for us. So we keep options open.

The Bailiff: Deputy Dorey.

1985 **Deputy Dorey:** I certainly agree that we should have the most appropriate and I agree with you that the figures show that sixth-form colleges are the best way, but they have to be massive, and we have got no hope of achieving that.

The best chance of achieving sixth-form education with a large number of teachers is by combining it with an 11-to-16 school, so you have the bigger school and you have the teachers

1990 being able to teach across both, and that is what teachers have said is their preferred option, and that is what will lead to the best recruitment. That is the answer to having the best system.

So I urge Members to stick with what we said last week and vote for 2a) ii) but vote against 2a) i). Thank you.

1995 **The Bailiff:** Members, before I call any other speaker in general debate, I have been told Deputy Ogier may wish to lay an amendment. Do you wish to do so?

Deputy Ogier: I apologise to the Assembly. Yes, I do wish to move a late amendment.

2000 **The Bailiff:** Has the Education Department seen it?

Deputy Sillars: We know roughly what it is going to say, but I have not seen the final words, I don't believe. So we would ask for a recess, just to have a quick –

2005 **The Bailiff:** I think we need to have a short recess, to enable the Department to consider it. So we will rise for five or ten minutes. Back at three o'clock, if we can.

*The States adjourned at 2.52 p.m.
and resumed its sitting at 3.01 p.m.*

The Bailiff: Well Members, hopefully everyone now has a copy of this amendment. Deputy Ogier, would you like it to be read?

2010 **Deputy Ogier:** I am happy to read it, sir.

The Bailiff: Right, you may read it.

2015 **Deputy Kuttelwascher:** Sir, point of order, it has not got a seconder at the moment and it should have one. There is not seconder on the copy.

Deputy Brouard: I will second.

2020 **Deputy Ogier:** Deputy Brouard has very gallantly offered to second this amendment. There is a signed copy with the Greffier.

Deputy Ogier read out the amendment:

To insert the following additional proposition:

'1C To direct the Committee for Education, Sport and Culture to review and publish by December 2017 a policy for managing disruptive behaviour in order that classroom disruption is minimised and those who need extra support to engage in education are accommodated and helped without detriment to the education of others; along with the desired outcomes from such a policy, the measurement of those outcomes and any resources required.'

Deputy Ogier: I understand that the Education Department will not be opposing this amendment. I do apologise to Members for this late amendment, because sometimes the way becomes clear during debate, rather than in advance of it, and Members will be aware that this is not a course of action I take often or take lightly, but rather when the opportunity demands it.

Now, I am grateful to Deputy Soulsby for the template. *(Laughter)*

2030 Since I made my speech this morning, I have received support for an amendment in order to deal with what may be a perception, which may even be a situation being overtaken by developments in education itself, but which nevertheless persists in the minds of many parents and teachers across a range of educational establishments.

I think the amendment speaks for itself, and whilst it may not be as elegant as I would have liked, the spirit remains true.

2035 Many in our society need comfort that the new mixed ability schools will be able to maintain and enhance learning experiences. They need the comfort that anti-social or disruptive behaviour will be dealt with, so that all learners are able to maximise their potential.

2040 I am reassured with the very positive comments from the inspection on behaviour at La Mare de Carteret, in their inspection report. Staff at La Mare de Carteret and Les Voies, are now working with the other two high schools to replicate the successful systems, so it is likely that these changes being rolled out will improve the other secondary schools in the same way that La Mare de Carteret has improved. And to be clear, disruptive behaviour exists in all schools and is not the province of any one school or type of school.

2045 But it is important that this message goes out to the community, that this amendment is one vehicle to ensure that this issue is given scrutiny, its development is monitored and that the community can take comfort from the very welcome developments in this area that Education are implementing and planning to implement.

2050 I totally respect the mandate of the Department and I am not seeking to develop or guide educational policy from the floor of this Chamber, which would be inappropriate. This amendment will not result in either operational or educational policy development being decided in the States, as we leave it with the Education Department to develop and publish policy, whilst at the same time indicating that we, as representatives of those sending their children to the new mixed ability schools, have an interest in the outcome.

2055 So please, let us not have a long debate. This amendment asks for the Education Department to review the issue and publish policy accordingly on what is an important matter to many in the community, and I hope we move swiftly to the vote on this amendment, which asks Education to review their policy and publish accordingly, in the same time frame as Deputy Soulsby's amendment on the support to be given to the most able children.

The Bailiff: Deputy Brouard, are you formally seconding the amendment?

2060 **Deputy Brouard:** Thank you, sir, and may I reserve my right, sir.

The Bailiff: Yes, Deputy Sillars, do you wish to speak at this point?

2065 **Deputy Sillars:** Yes please sir, just to try and keep it as short as we can.

This is an area that actually this board, for the last four years, has moved great steps from where we were, to where we are now. Les Voies turned into a school in 2013, but I will just do a sort of quick paragraph or so, and then sit down.

2070 We are, following the Department's inspection, having to look at our policies on inclusion, we are further developing alternative curriculum provision at secondary level and working with all secondary phase schools to improve support of vulnerable learners, including having inclusion bases in all schools, working effectively.

We are working very closely with HSSD, and the third sector agencies – the Hub and Youth Commission, to mention but two – to support youngsters with behavioural difficulties and there are many Children and Young People's Plan initiatives which will help with this.

2075 Students are assessed and if they have significant social, emotional and behavioural difficulties, they may be placed in Les Voies Special School. This is an all-age school, so it is covering both primary and secondary. We have made great steps and of course, there is always a continuing

review of this and moving it forward. So, we do support it, but we actually feel we have made great strides already.

2080 Thank you sir.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

2085 Although we did not have a recorded vote, I actually did not vote for Deputy Soulsby's amendment and the amendment said at the time:

'For the identification support of the most able, gifted and talented.'

Identification and support – like there could possibly be no cost associated with that.

2090 Then when we talk of what we maybe do not fully understand what makes a disruptive child, we simply want to manage disruptive behaviour. There are many children placed within mainstream education who have conditions, something as simple as dyspraxia, which means that child will spill every drink, probably, you give it. It will spill every pot of paint you put in front of it. It will walk over every finished drawing. It will knock three children over when it goes to put its back pack on at the end of the day, because that is what dyspraxia is like, and those children need what talented children need. They need identification and support, and I am worried that with an amendment like this – and I understand what Deputy Ogier is trying to do and it says report back – what I do not want to happen is find that we have a tolerance in schools, where certain types of behaviour are tolerated and others are not tolerated.

2095 In the speech given by Deputy Sherbourne the other day, I felt vindicated, I have to say, for my position I took at the time with regard to the – not so much the demolition of the Bouet, but what was described horribly through this word 'decanting', where people, individuals, families, were 'decanted' all over the Island.

2100 Now, I know that created an issue at the time for St Martin's School, because it meant they needed a larger nurture area and it created problems for other schools and in particular, we were hearing from Deputy Sherbourne from La Mare. So I understand the intention behind this, and I think we understand the children we are talking about, but if you are trying to reach some of these children, they are not being belligerently disruptive. They need more help than perhaps you anticipate and help comes in the form of a one-to-one teaching assistant, so there will be cost implications.

2110 So, I just want to raise that sir, that we do not find that we skew a system, which bends over backwards to help the most talented and gifted, and then looks to split hairs with children who may have issues. Or have they? Because there is a whole social ... Some of these children have issues outside of education that are much more difficult to reach than we will ever know and as it crosses my mind, I wanted to raise this.

2115 Denis Mulkerrin – the only thing I disagreed with him in his report, when he described the then Link Centre as a child-minding service. I did not see it. I think for some children, it actually worked. He made the observation that children of a certain age were being rewarded still with stars and he did not feel that was appropriate, but actually for those children it did work and it was a significant positive in their own life experience.

2120 So let's be very careful that we do not lapse unwittingly into showing a prejudice against children who have conditions that they have no control or choice over.
Thank you.

The Bailiff: Deputy James.

2125 **Deputy James:** Thank you, sir.

I am mindful of Deputy Ogier's earlier comments about the Education Board's policy of inclusion, so as a consequence I am really surprised to see this amendment before us, because of

2130 having adopted that inclusion policy, I am really quite surprised that there is such a deficiency in Education's policies, that they do not already have something in situ to deal with this group of people.

I will in fact support it, but I am disappointed to see this amendment here. I would have thought the building blocks would have already been in place.

The Bailiff: Deputy Dave Jones.

2135 **Deputy David Jones:** Thank you.

2140 What has brought me to my feet is Deputy Brehaut's speech. While we understand that children do have problems outside of the school, this amendment is about a policy that they have asked Education to bring back that prevents people from disrupting the education of other children, in the classrooms.

2145 It is all very well to talk about children being inclusive. If that inclusiveness is to the detriment of people who are in that classroom and trying to learn, and because of the disruption of a handful of children – and I imagine it is a very small number – which has an aspect of damaging their chances of a decent education, then that simply has to be addressed. We understand all the social problems that children may have outside of the classroom and they have to be managed. But this amendment, as far as I can see, is asking the future Education to come back with distinct policy.

2150 If you listened to Deputy Ogier's speech this morning, just to touch on something that Deputy James has just said, he covered that and it does seem to me, and I have had some of the same letters that Deputy Ogier has had from parents who are, quite frankly, at their wits' end, that Education do not seem to be able to handle this particular problem with any other answer, other than saying, 'No, we're going to keep these children in the classroom. They must learn. And if they are with children who behave, they will learn from that.' No, they will not.

2155 **Deputy Sillars:** Just a point of correction, please.

The Bailiff: Deputy Sillars.

2160 **Deputy David Jones:** I am referring to Deputy Ogier's speech, not anything that you have said, Minister.

Deputy Sillars: Thank you for that, but my point of correction was that we are not determined to hang on at any cost. Not quite sure what you ...

2165 **Deputy David Jones:** No, I am saying, I am referring to what Deputy Ogier's take on it was, not yours. You may have a different take on that.

Deputy Sillars: Education are not ... *(Interjections)*

2170 **Deputy David Jones:** I have finished away sir, what I wanted to say. Thank you. *(Laughter)*

The Bailiff: Deputy Sherbourne.

2175 **Deputy Sherbourne:** Thank you, sir.

Members, there are lots of policies already in place. Every single school in this Island, has a behavioural management policy, which is actually ... it should be, I cannot say it is, but it should be on their web sites and it is certainly in documents that are actually sent out.

They are actually put together around a template provided by the Department, but the school itself, depending on its particular needs at any one time, will modify their behaviour management

2180 policies and we must enable that to continue. To have words written in stone from the Department flies actually in the face of the sort of the initiatives that the Education Board are trying to implement, which is the local management of schools, where schools have their control over their own destinies to a degree.

2185 Actually, although I voted for Deputy Soulsby's amendment, it really is not necessary. We are moving on at such a pace now. We have behavioural management specialists in our schools now and in fact, just as an aside, if a federation is allowed to continue, that expertise – which is thin on the ground, quite honestly, in a small community – can be spread across the schools.

2190 But the schools need the flexibility to develop their policies as they think fit, depending on any particular need at a particular time, and I think that these sorts of statements that are being required by Government are actually superfluous, they are not necessary. Every school has got one. Go out there look at your local school. Ask for their behaviour management policy and they will show you.

2195 The thing that is an issue is the actual costs, because although we have inclusive policies, as Deputy James mentioned, they can be quite expensive, because inclusion means that you deal with these problems in school – that the child is not farmed out somewhere else – and that costs money and, of course, our budgets are limited.

2200 I do not think that anything that is actually stated, written in tablets of stone, is going to be any help to any school in this Island, and whether it actually gives comfort to parents, I very much doubt it, because at the moment they have direct access to the people that are dealing with their children and if they have got problems, then the schools have got policies to enable those issues to be addressed.

The Bailiff: Deputy Conder.

2205 **Deputy Conder:** Thank you, sir.

If I may just crave the indulgence of the Assembly, this is the Education's website, 'Behaviour'. The behaviour policy –

'Each school is required to have a whole-school Behaviour Management Policy. This policy must be regularly reviewed. The Behaviour Policy sets out what is expected of pupils within school and the systems in place to manage poor behaviour. All members of the school community from the headteacher and staff to the pupils themselves have a responsibility for socially acceptable behaviour. Issues that might contribute ...

and so on. It is there. This amendment simply asks us to review and publish it.

Thank you.

2210

The Bailiff: Deputy Kuttelwascher and then Deputy Gollop.

2215 **Deputy Kuttelwascher:** Yes, following on from the two previous speeches, I think what Deputy Ogier is saying is that there are policies in place, but they are not working. I think that is what he is saying in fact, so whether these policies are published on the website or not, it really does not matter. I think what he is saying is they are not working and they need to be looked at again, to see if you can get something to work.

That is how I understand this amendment. It is challenging the current policy.

2220 **The Bailiff:** Deputy Gollop.

2225 **Deputy Gollop:** In a previous incarnation of the Scrutiny Committee, and I know some might say, that Scrutiny has not been as effective as it could have been in our system of government, I was privileged to serve on Deputy Brehaut's Scrutiny Committee. One of the pieces of work we did was into school exclusions and disruptive behaviour. It was quite a long-winded approach,

because we spent a year talking to educationalists, officers, teachers, people in Alderney and I remember too, it was chaired by Mike Garret, who did a lot of work in it as well. We actually went round Les Voies – or in those days it was called The Link – and we looked at what they did.

2230 Now, we discovered that there was a lot of policy around, a lot of manuals – ‘toolkits’ to use the fashionable word, but they were not full of hammers and nails – just as well, I would have knocked them over – but they were identifying best strategies of dealing with disruptive children.

I think this is an amendment that is ultimately a gesture – somebody said ‘futile’ behind me. I think this is really about reassuring the public that, whatever the future brings, two kinds of children will be looked after: those with special and demanding needs, who need nurturing and the wider community who want their children hopefully to benefit from learning as much as they can, as fast as they can, without being put off. That is what I think it means.

2235 Because the purpose of this debate is not about managing disruptive behaviour. It is about classroom disruption being minimised so, at least in the theory of things, the learners can learn and the teachers can teach. And also saying those who need extra support to engage in education are accommodated and helped.

2240 Now, of course there are massive financial implications to this. Too often we vote for this kind of generic amendment, without putting in anything like the money and if it is to be supported, it will certainly need Policy & Resources to consider it appropriately to add on maybe, to Education’s budget, but I do believe Education to some degree have these policies available.

2245 Whether they work as effectively as they might, as Deputy Kuttelwascher has suggested, is a point. But speaking to people over the weekend, one point they came back to me on was that what they wanted to see as the next stage of the education vision was greater clarity on key performance indicators and outcomes, and how you can measure the success of any new reform system to the current and previous ones. I think this amendment alludes to that more general point and for that reason I think it is useful.

The Bailiff: Yes, Deputy Le Clerc.

Deputy Le Clerc: Thank you sir.

2255 I understand the intent of Deputy Ogier’s and Deputy Brouard’s amendment.

I think this is exactly the sort of thing that should be picked up by the Children and Young People’s Plan, because it is a combination of Education, HSSD, some of the third sector agencies that we are working with, the Children’s Convenor etc., so, I will not be voting against the amendment, but I will take this away, while I am still Chair of the Children and Young People’s Plan. We have got a meeting next week and I will take this and bring this up and make sure that it is on the agenda, because I think it is not just an education issue. I understand where the amendment is coming from, but I think it goes beyond just education so, I will take that up through the Children and Young People’s Plan.

2260 Thank you.

2265 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you sir.

I wonder whether the proposer of the amendment could confirm to me – if he wishes for me to vote for this amendment – whether voting for it would allow him then to vote in favour of Proposition 1.

The Bailiff: Is anyone else rising? Yes, Deputy Le Lièvre.

2275 **Deputy Le Lièvre:** Thank you sir.

I think there is an element of ‘makes us feel good’ about this amendment. It is at the opposite end of the ‘gifted and talented’ rainbow and I thought, from my time at Education, that Les Voies

worked well. It has got a super head master and they turn troublesome kids around. I see the Minister of Education is nodding, so I believe I am right (**Deputy Sillars:** You are.) Les Voies turns troublesome kids around.

Now Deputy Jones, and I wrote it down here, 'We understand all the social problems that children might have outside the classroom.' Well, no we do not. We have not got a clue.

And for those children Les Voies, might be the answer and for children like them, it might be the answer, but I have a feeling, that this amendment takes it down a peg or two, to the classroom comic or the classroom clown, whichever way you look at it. Kids will be kids, some will be not totally engaged, but I am a little bit worried that Jimmy, who has got a sense of humour, might be extracted from the classroom and put somewhere else with really, really troubled children. Troubles, that we cannot even begin to understand. And that is what worries me about this.

I want a report from Education, if we are going to have one, if I am to vote for this, I want some sort of assurance from somebody, that there will be a significant element of control in any policy that seeks to extract children from the classroom, from their mates, and places them in a place that they have got no idea how the children's lives in that place are impacted by their lives outside school. This is a very ... This is equally sensitive – we must deal with this with a similar level of sensitivity as it is with regard to these talented and gifted children. They are just as ...

I should give way to my ex-Minister. No? Yes.

Deputy Sillars: Ex-Minister! (*Laughter and interjection*) Thank you very much, sir.

No, I absolutely agree with Deputy Le Lièvre is saying. I just want to ask the question though, because I have already had two emails from head teachers who are really quite devastated by some of the statements that are being made here. (**A Member:** Hear, hear.)

All of you, through the Chair, were asked to go to the high schools and see teaching and their students, in those schools. Not to see the buildings, but to actually experience the teaching of what is happening in those schools now.

I just wonder – I cannot ask for a show of hands, I imagine – but I wonder if anybody went. So there is not a single hand raised at the moment. Deputy Trott might want to say something. (*Interjection by Deputy Trott*) Sorry, I am in interruption at the moment so I ...

Deputy Trott: No would you be interested to know why I didn't go?

The Bailiff: No, he is not making a speech.

Deputy Sillars: No, I am not making a speech ...

The Bailiff: Deputy Le Lièvre gave way for Deputy Sillars –

Deputy Trott: Oh did he? (*Laughter*)

Deputy Sillars: Thanks for catching up, (*Laughter*) through the Chair.

Sorry, Deputy Le Lièvre, I just really wanted to understand and not one person has stood up to go and see and experience first hand how it is now, currently being dealt with. Thank you for allowing me to interrupt.

The Bailiff: Deputy Le Lièvre.

Deputy Le Lièvre: I think I might have finished anyhow sir. (*Interjection*) Deputy Paint.

Deputy Paint: Sir, I have been to the secondary modern schools, but not in this particular term. I think I took the place of Deputy Langlois last term and there was a little bit of a disruption

2330 in the classrooms, but I think in this case it was the teacher who was to blame. She did not understand what the youngster was talking about. That was at one of the secondary modern schools and I cannot say that they were badly behaved, just perhaps provoked a little bit at times.
Thank you, sir.

2335 **The Bailiff:** I see no-one else rising. Deputy Ogier will reply to the debate on the amendment.

Deputy Ogier: Thank you, sir, Members.

I would like to thank Deputy Brehaut for understanding the thrust of this amendment, and it is something that Deputy Le Lièvre went on to expand on.

2340 The policy and policy development will of course rest with the Education Department and inclusion is right to a very great degree with a wide variety of children. Someone mentioned this being a gesture and I would say, it is not a gesture to reassure the community over the treatment of their children.

2345 For Deputy Fallaize, I see this as selection neutral. Whether we have selection or not, this amendment is valid. I still support the removal of the 11-plus as a system that has had its day.

And I do think that developments in the Education sphere on this issue, have improved in the last few years and have resulted in improvements, which is a message that perhaps has not yet filtered down to all members of the community.

2350 I do take the point from Deputy Sherbourne, that the Central Policy Unit would not necessarily like to impose policy on the local management for schools, but there has to be some oversight on the development of policy in this area, as we cannot have schools with widely differing policy on inclusion, with little oversight by the community's representatives.

2355 I know that schools have policies and, as Deputy Kuttelwascher has said, that the perception in the community and by those who have contacted me, both parents and teachers, is that those policies are not working 100% in all cases, in all areas and that there is some room for improvement. Improvement, as we have heard from Deputy Sillars, which is that the improvements that have occurred at La Mare de Carteret, they are now working with the other high schools to implement successful systems that have worked there in other high schools.

2360 So we are in a process of change. There will be new policies coming forward. We are not specifying what the policies are going to be here today. We are just saying to Education Department, 'We are interested in this issue, can you please review what you are doing – it's already under review and report back accordingly?'

2365 And I mean to cast no aspersions on the standards of teaching in the high schools, or the teachers. It is just that I have been contacted by parents and teachers who have concerns, which is why I think that this amendment is valid, and I ask Members to support it.

The Bailiff: Members, we vote now on the amendment proposed by Deputy Ogier, seconded by Deputy Brouard. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

2370 And we can return to general debate. Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you sir.

2375 I am mindful of the comments made by Deputy Dorey just a few moments ago, but nonetheless, much of what Deputy Parkinson said this morning, before the break, resonates with me.

I think what we need next term, in regard to the new Education Committee, I think we need them to come back with what I would say are two business cases: (1) a detailed analysis regarding the educational and financial implications of moving to a three-school model, and (2) the same in-

2380 depth analysis in regard to a four-school model, so that a direct clear comparison can be made.
That report or that policy letter should very simply lay that out, sir, because Deputy Dorey referred
to past States' reports and things like that, but I think at that time, we need those two very clear
and distinct business cases so, that comparison can simply be made.

2385 Sir, I was happy with my votes last week and I would vote the same way again. Now sir, I was a
recent convert to the idea of removing selection via the 11-plus and that was due to information I
received in the weeks leading up to this debate, and I think that was the right decision. (**A
Member:** Hear, hear.) As far as I can tell, the majority of emails that Deputies have received
concur with that view.

2390 But then sir, like Deputy Conder, personally I prefer smaller schools, so that would equate to a
four-school model. I think they foster a greater sense of community and belonging. I think there is
a higher quality of pastoral care and just thinking sir, about La Mare de Carteret School specifically
for a moment, I believe that wider social reasons, the La Mare area needs the focal point of a
school campus.

2395 Of course we are mindful of the case for a three-school model, the potential financial savings,
perhaps a more efficient use of resources and of course there is evidence to suggest that
educational outcomes will at least not be harmed by a three-school model, so there are
arguments either way.

2400 Now sir, I am loath to criticise my colleagues at the Education Board, because they are driven
and they are passionate and they are committed people, but I think their Achilles' heel, this term,
has been their refusal to look again at the specification for the rebuild of the La Mare de Carteret
School, at a much earlier stage.

2405 I think if they had accepted, early on, that a more modest design at less cost was needed, I
think that would have been clearly more acceptable to Deputies and the taxpayer, sir. I think we
would be past this issue by now. We would have commissioned the rebuild and I just think they
were too reticent sir, in sticking to their point about the rebuild. I think they should perhaps have
looked at a design that was slightly more modest and brought the cost down a bit.

2410 I agree with Deputy Brouard this morning. I do not think T&R have covered themselves in glory
in regards to this issue, I think they have been a little bit disingenuous. They said all along they
had been working with the Education Board to make this happen, sir, but clearly, they were never
really happy with that process and what Education are putting forward, and they should have said
that earlier.

2415 I think if Education had gone away, at a much earlier stage and said, 'We understand, we
accept that this is a high-spec design, it is too costly, we need to come back with something more
modest' and I think if T&R had made their feelings known at an earlier stage, I think those two
actions would have helped to diffuse this current situation.

Sorry, I will give way to Deputy Conder, sir.

Deputy Conder: I thank Deputy Queripel.

2420 I know he has expertise in this area, which I certainly do not have sir, but would he be at all
concerned if the Education Department had followed the policy he suggests, which is to reduce
the spec of the building, that in less than 25 years' time, we could end up in exactly the same
position – our successors could – that we are now, or much earlier than that, with a not-fit-for-
purpose building that needs replacing, because it was poorly designed and built in the first
instance?

2425 **Deputy Laurie Queripel:** Sir, I am not talking about the quality of design. I am not saying it
should be poorly designed. I just think that it was over-specified in regard to ... from my view, I am
talking about the extended sports facilities, perhaps the community centre. I do not want to
design it here and now, sir, but I certainly would have rebuilt the two schools, had the autism
centre, things like that. But I think there were just some things in there that perhaps were good

2430 and progressive things to have, but perhaps not required in the current financial or fiscal circumstances.

Actually as I said, I think that most people out in our community would accept the fact that the schools needed to be rebuilt, but I think it was the cost that was the biggest problem for them. I think actually, if Education had realised that earlier on, it might have diffused the issue and we might well be past this stage by now, but this has become now a very big issue, because I just think Education were a bit too reticent and T&R were not as honest as they could have been, I do not think, at an earlier stage.

2440 Sir, I would just like to explore something a little bit more, something that has been touched on briefly, sort of bubbling away in the background. It has been said, sir – this is only conjecture of course – that in the next States, there could be a likely attempt to reverse these decisions. It seems as if the main prize – if that attempt is going to be made at the next Assembly, sir – will be to restore the 11-plus.

2445 So, sir, I just want to float this point out there. We may have the prospect of new Assembly Members sir, who could be classed, normally speaking, as fiscally conservative, who actually, in their heart of hearts, perhaps would not be that concerned about the La Mare de Carteret School being rebuilt, sir, and who in fact might, in normal circumstances, make the case against it. They might come into this Assembly, sir, supporting the rebuild in order to restore the 11-plus. *(Interjection)* It is speculation, but nonetheless ... The restoration sir, of the 11-plus, in effect, would come with a £60-million-plus price tag. Now that is skewed logic, as far as I am concerned. *(Interjection)* **(A Member:** Skewed maths!) Sir, I want to see the La Mare de Carteret School rebuilt sir, for reasons I have given, not as a political trade-off.

2455 In fact sir, we have received emails – I think more than a couple of emails – from people involved with La Mare de Carteret, who are so desperate for the La Mare de Carteret School to continue sir, what they are saying now is, 'Don't rebuild it, just keep it going as it is.' So there is clearly, sir, a passion to keep that school going and even if it does not have to be rebuilt, they want it to carry on, because it is such an excellent school and achieving such great results.

2460 I do agree with Deputy Dorey sir, he made some comments just before about the fact that, when we walked around the school, we were not very impressed with the quality or the choices made in regard to the maintenance of that school, sir. Actually, we looked at the refurbished toilets sir, and they were absolutely excellent. Now I think, if that kind of work had been carried out on the rest of the school and the right maintenance choices had been made, that school – I am not saying it would last for ever and a day – but it would be certainly in better condition now, sir, and provide a better atmosphere for the children to learn in.

2465 So those are my point. I believe we did the right thing in taking away or removing the 11-plus. I will stick with that. I am not so sure about the three-school model as compared to the four-school model. I would like to see both business cases for them both to come back in the next Assembly, so they can be properly considered sir.

Thank you.

2470 **The Bailiff:** Deputy Perrot.

Deputy Perrot: Thank you, sir.

2475 I have to be slightly careful about how I approach this. One of the rules, one soon learns, about being a lawyer in court is never to address the court when one is angry, because one loses the thrust of an argument. Of course that is what we try to do with witnesses: we try to make witnesses angry, so that they completely foul up in giving their evidence.

2480 But I have to say, I am angry and it is rare for me to be angry with Deputy Laurie Queripel, but I am inviting him to withdraw the remarks which he made about Treasury & Resources, because they were absolutely wrong and scandalous. He was saying in terms that we were being disingenuous, but he went much further than that, and he said that we were not being as honest as we could be, in relation to this policy letter and the potential redevelopment of La Mare.

If he has got any proof at all that I have been less than honest in the way in which I have approached this, I ask him to come up with that evidence.

2485 He has either got to put up or shut up on something like this, (*Laughter*) because I will not be bullied into silence. Because I have only been on Treasury since, I think, February 2013, but in all the time that I have been on the Treasury Board, all that my colleagues and I have ever tried to do in respect of a capital project is to ask for information. We do not generate the policies in relation to those capital projects. We do not speak to the third parties. We do not decide, for example, whether we are going to set the education policy in relation to whether we build another school
2490 at La Mare or not. Of course, that is something for the department concerned.

But having made a proposal, it is our job to *question* the proposal. We are, after all, the ones trusted with the management of Guernsey's exchequer. It is right, even if it is uncomfortable, for us to ask difficult questions. But if those questions are answered properly, then as far as we are concerned, we are perfectly happy. But what we are trying to do, is to control the funding until we
2495 can be persuaded that we can actually support it.

Now, in relation to this policy letter, we wrote five pages of closely typed A4 script and actually, the Policy Council itself had five pages of closely typed A4 script, following ours. I am not going to repeat all that we said in those five pages, but for there to be five pages following a policy letter, I would suggest is pretty remarkable.

2500 It does mean that there are questions which really needed to be answered, and I have to say, that despite the fact that he has taken a lot of flak, personally, I think that the Treasury Minister approached this debate in exactly the right way, to try to put it into a sensible, critical path, so that the first thing we had to do was to decide – I do not agree with it, but we have made the decision – are we going to have selection? That was absolutely the right thing to do.

2505 The next thing to decide was, well, if we are going to do away with selection, how best do we deal with our educational estate? Is it having four schools or three schools?

Those were the questions we were asking anyway on the Treasury board, and for Deputy Laurie Queripel to say that that is somehow dishonest, well, I resent that. I hope that that was a slip of his tongue and that he has had time to reflect on that, and he would like to perhaps correct himself.
2510

Deputy Laurie Queripel: Thank you, sir.

I will withdraw the dishonest remark. As Deputy Perrot said, I was speaking off the cuff there, but I still believe that T&R have now made their genuine intentions known via these amendments,
2515 and I think they could have made those points clearer at an earlier stage. I think they could have drawn the sting of this issue, by coming out and saying directly, at a much earlier stage, 'We do not want to rebuild La Mare de Carteret School'.

So I will withdraw the dishonest comment but I do not think their heart was ever truly in it and I think they could have made that feeling known at an earlier stage.

2520 Thank you sir.

Deputy Perrot: Well, I am obliged to Deputy Queripel for withdrawing the remark about dishonesty. So far as whether our heart was in it or not, he is still completely and utterly wrong on that. All we were doing was asking the questions which we should have asked.

2525 I had not intended to speak in this debate, because pretty well everything that needed to be said has been said and nothing much is being added, least of all by me, but there is one thing that I would like to say before I sit down, and that is in relation to the colleges.

It was implied by Deputy Conder – incidentally, I am grateful to him for saying that the approach by the Education committee in its new form will be a constructive one, so far as the colleges are concerned – but what he was saying implied that there was a little bit of fudge, a little bit of cover up some how, a little bit of lack of transparency so far as the funding of the schools was concerned.
2530

Deputy Conder: Point of correction sir.

2535 I did not say ... I will not raise quite a strong point of objection about what I may or may have not said. The point I was making, I have my speech in front of me, was that in the future funding arrangements, when there are no longer any special places, and the funding which flows from the special places, that the colleges will have to find – we will have to find, with the colleges – a new form of funding and it will be appropriate – well, it might be appropriate – at that time for the colleges to be able to demonstrate to the Treasury, to the new Government, how they use that funding to enhance some of the extant policies that this Government has put in place, such as widening access and those sorts of social policies.

I at no time questioned the transparency of the existing regime or any future regime.

2545 **Deputy Perrot:** Well, it did seem to me as if he was making some sort of implication that the colleges were not being as open as they might be.

What does happen is, of course, that there is, as far as Elizabeth College is concerned, an annual report to the States, and that actually sets up full details of everything to do with what the college itself has been doing and with funding.

2550 But anyway, I do hope that an unbiased approach is taken when reviewing the funding of the schools because I have to say that at one public meeting, one of the members of the Education board did actually come up with disobliging remarks about Elizabeth College, saying that in one year, it spent more money on guns and bullets than one of the States' schools spent on stationery I think ... or sorry, on books. That remark was made publicly, and it was absolutely –

2555

Deputy Sherbourne: Thank you for giving way, Deputy Perrot.

I am the culprit and I offer no apology because it actually was correct. It is even worse than I imagined, because although it was a rather throw away 'guns and bullets', it was an actual grant to the CCF that I was referring to. Apparently guns and bullets were provided by the Ministry of Defence.

2560

Deputy Perrot: And the truth of the matter was, I think Deputy Sherbourne was referring to 1968 and in that year, the amount spent by Elizabeth College on armoury was £4 and 1 shilling. *(Laughter)* In that year, and I think he had compared it unfavourably with – no, I am not going to give way –

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Deputy Sherbourne: I am sorry, I do not want to make this an argument, but in fact, it was 1971 that I referred to. I got the details from our accounts Billet for that time and the figure is quite clear. How that money was allocated to the CCF, I have no idea, but it was nearly three times the amount that the school that I was attending actually received for stationery, books and writing materials.

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Deputy Perrot: Well, if we do refer to 1971, the amount paid by the college in respect of armoury, was £22.31, so if Deputy Sherbourne is complaining about the amount spent by St Peter Port School on books and stationery, that says much more about the spending of that school, than it does –

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Deputy Sherbourne: Point of correction sir.

I was referring to the capitation allowance, which appears in the accounts for that year.

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Deputy Perrot: And in that year as well, Elizabeth College was not only maintaining Combined Cadet Force, but was also running the Duke of Edinburgh Award Scheme and money was appropriated of the Duke of Edinburgh Award Scheme as well.

2585 The reason why I am raising this is that I think that making that sort of comment at a public meeting is not appropriate if one is going to approach the funding of the colleges in future with

an unbiased mind. So I do hope that the new Education committee will shed itself of that rather old-fashioned and quite inappropriate view, and look at the matter objectively.

Thank you.

2590 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you. I will give hopefully the last the speech here, on this one – but, oh I don't know!

2595 Picking up, I thought we had some good speeches this morning. Deputy Gillson did his usual analytical forensic work on the Your Schools, Your Choice consultation and certainly I would concur that perhaps the way it was constructed could give rise to some ambivalent decision making. But that said, the analysis we got of it was fascinating because the public consultation was fairly – I would not say totally – but it was fairly pro colleges, in that you got just under half supporting a continued block grant funding and perhaps more for special place holders, a decision that maybe the States is not entirely comfortable with.

2600 The one category of person that did not seem to share the enthusiasm for the colleges were the students, who perhaps felt that they were not getting totally a fair deal in their own studies, which is of course the reason to put in more resources into education, without necessarily changing every aspect of it. But the parents, the teachers and, one suspects, the older generation, because they were amongst the correspondents, were more happy with the situation.

I think there is a general support for the colleges at some level, as long as financial or other support for those venerable institutions does not take away significant resources from other children in other circumstances. And maybe we are fighting old battles a bit today, in the past, but we should bear that in mind, to integrate the facilities rather than speak a language of division.

2610 I think, if I was reviewing where we are, you sometimes have debates like, for example, on paid parking or against paid parking, or where there is two clear positions in the Assembly. (**A Member:** Binary.) A binary type of debate. This has been a quadrant debate, because I think the last week – apart from certain maverick viewpoints – you really had four distinct camps.

2615 You have got the category of person who wants to see the end of 11-plus and selection, but to have maybe four schools, including La Mare de Carteret. You have got a category of person who wants to see three schools with a rationalised estate, but also has voted for the abolition of the 11-plus. And you have the other side of the States, who want a form of selection to continue, but are divided amongst themselves as to whether they want four schools or three schools.

2620 That makes decision-making in this extremely difficult and fraught, especially as we have only today added more amendments and complexities to an already muddled situation.

2625 I think that in finding our way through there, one really has to go back to first principles and decide what we want and whether this particular form of debate has been helpful at this particular time, because it is obvious that even if we consolidate the decisions we have already made with the vote, which I hope will be later this afternoon, they themselves will be open to further reviews, as we have voted for this morning and perhaps revision from inevitably any new Members of the Assembly in the next term

2630 And so, I think we are in a rather unsatisfactory place and I think what will be more useful is if we could go away and look at the financial and other resources education needs to be a world-class beater of the scene and to up our game, not to the level of the United Kingdom, but beyond it, per capita and proportionately, without necessarily taking the Deputy Dorey approach of bench marking us specifically, because you have to bear in mind the sociological issues there and regional differences.

2635 And I think what we also need to do, is to see how we can make our system, whether it be one school, four schools, three schools, more flexible and more responsive, without having an inflexible, unresponsive system that does not listen to parents, does not listen to views and is sometimes perhaps economical in publishing all the data.

I think those softer questions of approach and style would actually be more useful than constant meanderings around the educational estate.

2640 **The Bailiff:** Deputy Domaille.

Deputy Domaille: Thank you, sir.

I am going to be very brief. I think everything has been said. I will just make an observation.

2645 I made my views on 11-plus known, but I would make this observation. I have not heard any Member give a ringing endorsement of what is now on the table.

I have heard Members give endorsements to [*Inaudible*] I have not heard that many Members speak that well about the Education's report. I appreciate the time scale and the things that Education had on it, perhaps the Minister will give a ringing endorsement in his ... sorry.

2650 And for me, I am now definitely decided, I will be voting against the whole lot. I think that it is up to the next Education and Culture & Leisure Department or Committee, to come forward with its own ideas as to where we should go.

Thank you sir.

The Bailiff: Deputy Trott.

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Deputy Trott: Sir, I too will be voting against the whole lot also, but I would like Members, particularly those who are retiring from this Assembly, other than those of us that may be forced to retire from this Assembly ... (*Laughter*) Oh and incidentally, sir, a member of the public wrote to me and said I had to stop making jokes in this Assembly, because they did not like it when people

2660 laughed. Now, I explained to this correspondent, that I had two choices: either to implore Members never to laugh when I speak, or to never speak (*Laughter*) and I told him, the trouble was that if I offered them that option, they would laugh at the second option, so I was damned if I did, damned if I didn't.

2665 But I arise to ask Members who are retiring to be very careful how you vote, because what will happen early in the next Assembly is that there will be some sort of motion, probably a requête, to address the numerous problems associated with where we find ourselves today, and those that remain who support these proposals will say to the newbies, 'Well, look what the last States did. The last States was overwhelmingly in support of the substantive propositions at the end of five days.'

2670 But of course, we know that is not the case, for the reasons Deputy Domaille has just given. We are anything but enamoured with what have ended up with, but for some, it is a compromise.

Well for me, it is not. I will be voting against everything and I hope, sir, that Members who have a strong conscience on this issue and who are aware of the consequences of accepting something that is far from ideal will consider doing the same.

2675 And my final comment sir, is with regard to the comments that Deputy Sherbourne made. I confess, I was less offended by his comments, which were Elizabeth College spent more on bullets than I was allowed to spend on writing materials. There was no reference to guns, or the other CCF contingent and Deputy Perrot has discredited those comments admirably.

2680 The main reason I have risen to my feet is to tell Deputy Sillars why I did not attend any of the high schools that he wrote to me inviting me to contact the head teachers and attend. Partly because I had already seen them. I went to presentations at La Mare. I was, very recently at St Sampson's High, in fact for the presentation when Deputy Sherbourne made those inappropriate remarks, and I am also pleased to have attended Beaucamps.

2685 The reason I did not go is because there was no invitation to visit the Grammar School. The Grammar School was excluded from that invitation, and that was *wrong*!

Several Members: Hear, hear.

The Bailiff: Deputy Le Clerc.

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Deputy Le Clerc: Yes, thank you sir.

I do not want to delay the debate much further, because I am sure we are all keen to get this completed today, (**A Member:** Hear, hear.) but I just wanted to say that I will be supporting this, but one of the things that I feel that has not really been debated, I do recall this morning,

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somebody did bring it up in debate, and that is talk about the College of Further Education. I feel it has been sort of lost in this debate, and I just wanted to stress how important it is that we do consider the College of Further Education. I know that it is mentioned in this paper here, because we have got an increasing pension age to 70. I am part of the Skills Guernsey, the Skills Strategy and the work we have been doing on that. And that is going to hit us fairly soon and we need to ensure that we have a College of Further Education and facilities that are built to be able to deal with the aging demographic and in order for us to be able to re-skill and up-skill our workforce. That must not be forgotten in the wider debate of the 11-plus and three schools and everything else.

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I just thought it was important to remember that, because any delay that we have on the redevelopment of the College of Further Education and its ability to be able to deal with our workforce and re-skilling is really important that it is not forgotten.

2705

Thank you.

The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, I arise, really just to deal with the question of three versus four, and in particular, Deputy Parkinson's comments that there was no evidence in before us to enable us really to make that judgement about three versus four.

I do beg to differ with Deputy Parkinson on that point. I think there was quite a lot of evidence that sought to address this issue for three schools versus four sites, in particular, looking at the numbers of pupils in each school. So looking at the pupil roll, rather than the capacity of the school.

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There was also in the Treasury & Resources letter of comment, comments about the financial implications of three versus four.

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But in particular, I did want to perhaps draw Deputy Parkinson's attention to the May Billet and the Nicholls Report, and I do appreciate that he obviously was not in the Assembly at that time, but I think it might be worth taking a look at that. Because Chris Nicholls, in his or in their report, said the numbers on the roll do show that Guernsey is operating small schools. Only St Sampson's could be regarded as medium in size. We understand that this is a consequence of States' policy and recognise the impact of geography and the overall size of the Guernsey community.

2725

But our view is that this may mean that the current system does not offer best value for money. There are no benefits or economies of scale and it can be difficult to deliver the best education opportunity, as a rich and varied curriculum becomes expensive on a per-pupil basis to provide in small schools.

2730

But also in that same policy letter, or it may have even been the States' Report at the time, I cannot remember whether we changed the terminology at that point, the Education Department, themselves sought to comment on that. Forgive me, sir, if I just find the relevant references.

Sir, I refer to the quote, which is referred in paragraph 5.4 of the policy letter. The Education Department then go on to say:

'The Education Department concurs with this view and further notes that the review panel acknowledges that this needs to be considered carefully and properly.'

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And that of course is precisely what the amendment before last is seeking to do, to allow that consideration to take place carefully and properly. But the important point is, the Education

Department themselves had conceded the point that actually smaller numbers of slightly larger schools would work more effectively.

2740 The Education Department concurs that a three school model – I will just finish this, then I will sit down, or give way ...

'The Education Department concurs that a three-school model has attractions, both in terms of potential educational outcomes and greater operating efficiencies.'

The Bailiff: Deputy Parkinson.

2745 **Deputy Parkinson:** Sir, perhaps those comments about 'these issues need to be carefully and properly considered' – I cannot remember the exact wording – were referring to the period *before* the decision was taken to close a school, rather than the period *after* a decision is taken to close a school.

2750 **Deputy St Pier:** The point is noted. I am not sure actually, in the context of the report, that that is necessarily what was being said. It was more about the practical implications of implementing the change in policy.

2755 Nonetheless, it is clear I am not going to persuade Deputy Parkinson this afternoon. I was not necessarily seeking to do that, merely to draw attention to that particular point and perhaps referring back to previous evidence, albeit it was not actually part of this particular policy letter, sir.

The Bailiff: Deputy Brouard.

2760 **Deputy Brouard:** Thank you, sir.
So I can support some part of this afternoon's vote, can I have 1C taken separately sir?

The Bailiff: Is that the 1C that we have just voted on?

Deputy Brouard: Yes, sir.

2765 **The Bailiff:** The new 1C?

Deputy Brouard: Yes, sir. *(Laughter)*

2770 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Deputy Dorey said when he spoke that teachers had rejected the idea of a tertiary centre. Well actually, they have not.

2775 If you look at the consultation exercise, both the conventional consultation, if I can put it that way, and the focus groups, initially at page 1635, the question –

'If a system with no selection by attainment or potential ability is adopted, which of the following options would you prefer for States' provided 16-19 Education?'

the results were very close. I think about 25% versus 30% between a sixth form centre based in a school and a tertiary centre in the category 'parents or grandparents'. But amongst teachers, the tertiary centre was the most popular option.

2780 And in the focus groups on page 1656, the same question was asked and more than 40% of the respondents advised that their preferred option was a tertiary centre.

So, I have said before, I am not fully persuaded one way or the other about whether there should be a tertiary centre or whether 16-18 provision should be provided along 11-16 provision,

but it seems to me that we ought to be sufficiently open-minded to direct the next committee to look into both options.

2785 We have effectively narrowed down the arrangement of the educational estate to two options. Deputy Dorey is appealing to the States to narrow it down again, to leave them with just one option, but I think that would be unwise and I think we ought to be sufficiently open-minded about post 16 provision, to vote in favour of both of these options, which are now expressed in Proposition 2a), i) and ii).

2790 In terms of the number of schools –
Oh I will give way to Deputy Dorey.

The Bailiff: Deputy Dorey.

2795 **Deputy Dorey:** Thank Deputy Fallaize, for giving way.

If you look on page 1631, at the bottom is teachers and it says about 'retain one sixth form centre based at the Grammar School and a separate College of FE'. Actually that came out higher than the tertiary college, which is the bar at the bottom of that page.

So I think it is quite confusing, the consultation.

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Deputy Fallaize: Yes, but I would be happy to give way a second time for Deputy Dorey to read out the question. That is question 6. Could Deputy Dorey read that out, please?

2805 **Deputy Dorey:** I am sure you are capable of reading it out as well. (*Laughter*) I will let him read it out. (*Interjections*)

Deputy Fallaize: It says:

'If some form of selection by academic attainment, or potential ability and a grammar are retained, which of the following options would you prefer?'

2810 Well, of course, the States have inserted a policy that academic selection will not be retained, (*Interjection*) so under the non-selective ... 'For now', says Deputy Jones, which is true. Under the non-selective policy, the view of teachers is that the best way of providing post-16 education is in a tertiary centre.

2815 Now, I only say this because Deputy Dorey said, teachers had advised that their preferred option was for post-16 education to be delivered within an 11-16 school. I think it is true to say many, perhaps most, perhaps all, of the teachers at the sixth form centre at the moment, at the Grammar School, may be of that opinion, which I think we ought to give due consideration to. But that is not the opinion as expressed by most teachers.

2820 On the question of the number of schools and sites, Deputy Parkinson has been very consistent. He favours four independent schools, if that is the right word, but operating perhaps in a federation – not the one school on four sites option that the Education Department proposed – and there is some merit in the argument that he puts forward. But where I think Deputy Parkinson is not quite correct is where he suggests that the decision to adopt a three-school policy has been made, almost he suggests, without any information before the States, because actually the present States has considered the issue of the number of schools on several occasions.

2825 Back in November 2014, when I think it was Deputy Le Tocq laying an amendment to the Education Department's proposals on La Mare, it was considered then. If one goes through the *Hansard* of that debate, the issue of whether we needed four schools was considered then. It was considered in the May 2015 debate. It was the subject of the Nicholls Report and it is covered, to some extent in the policy letter that is before the States.

2830 So while I entirely accept that there is a valid, legitimate argument against the three-site model, I do not think it is right to say the States have reached that conclusion without any

evidence or without any information, because this States, the present States, have been engaged in that debate for some months now.

2835 And I would remind Members that it is all very well talking about school capacities – we say we have got a capacity at 660 at Beaucamps and capacity at 720 at St Sampson’s and 600 at the Grammar school and 600 at La Mare – but the issue is how many students are there actually in the schools? And there is no question that for most of the period of time that we are talking about – Education’s projections look ahead, say, 30 to 35 years – for almost all of that time, if we had four schools, the average number of students in each would be 550.

2840 Now, of course Deputy Parkinson raises the colleges and says that they have relatively small numbers. He is right, but as Deputy Dorey said, they do not have all-ability intakes, and nor does La Mare de Carteret, so even though some of our smaller high schools maybe successful, they are not all-ability. They are dealing with a smaller range of ability and the way that it has been expressed to me by most of the educational professionals I have spoken to about this is that in an all-ability school, setting becomes very much more important and the more sets you can have, the better it is, so that teaching can be targeted at the appropriate level for every student. If you can only set perhaps into three sets, then every class has a much broader range of ability than if there are five or six or seven forms in an intake.

2850 So, that is why, in my view, an average of 550 students, which is 110 students in a year group, is insufficient in an all-ability school. If one thinks back to last week, I think that it was that which more than anything else persuaded the States to vote in favour of the amendment for a three-school model. And I would appeal to Members – Deputy Trott made an appeal to Members about their voting – I would too, and it would be on the basis of consistency.

2855 I understand perfectly, Members who voted to retain selection will probably vote again to retain selection, although some may not, realising the way the debate went last week. Some Members who voted to have four schools may vote that way again, but if Members are going to be consistent with the votes they cast last week, then the policies will be in place to have a non-selective system organised on three sites or in three schools, and I would appeal to Members to be consistent.

2860 The evidence has not changed between Friday and Tuesday. Certainly some emails have been received.. Certainly it is well understood the concerns that were provoked in relation to linking the La Mare de Carteret School in particular to the three-site model, but the evidence has not changed. The States last week said, we want a non selective system on three sites and since the evidence has not changed since Friday, I think Members should be consistent and vote exactly the same way today, notwithstanding that some Members, like Deputy Parkinson, who have been consistent throughout obviously will not vote that way.

2865 Now, one final point sir, I think the Education Department probably feels a bit bruised. We will all feel a bit bruised at the end of this debate. I just want to say that ,making a general point, this Education Department has achieved far more than I expect any of their predecessors in a four-year term, (**A Member:** Hear, hear.) and I say that as a former Member of the Education Department. They have persuaded the States to vote in favour of pre-school education and primary school rationalisation. There has been a relentless focus on standards, which we know has been successful and they appear to have persuaded the States to establish a policy of a non-selective system of secondary education.

2870 Now, if anybody had suggested that they could achieve all of those things at the start of the term, I think that we would have thought that person was probably mad. It is a very long list of achievements and so I do not think they should go away from this debate feeling in any way bruised. If the Propositions survive as amended, then they will have recorded a very significant achievement which, in my view at least, will take our structure of secondary education forward in a very considerable way. I am just sorry that nearly 20 years will have been lost, because this could have been done in 2001, and they will have succeeded where their predecessors failed.

2880 Thank you, sir.

The Bailiff: Deputy Lowe.

2885 **Deputy Lowe:** Thank you sir.

Deputy Fallaize said that the evidence has not changed between Friday and Tuesday, and the States voted for non-selective, but of course the evidence was actually in the States' Billet and was ignored. The States have changed the evidence that was in the States' Billet and it was read out last week and I will read it out again:

'70% of those who thought academic selection should be retained favoured introducing a different way of selecting children by attainment or potential academic ability. ... Therefore, whilst most respondents wanted to keep selection, the majority did not want to keep the 11 Plus ...'

2890 **Deputy Sillars:** Point of correction.

It was 61%, of which 70% – not 70%, sir.

Deputy Lowe: I am only reading out of your States' Report, Deputy Sillars.

But nevertheless it is not actually what was in the Propositions.

2895 I will be rejecting this report and I would hope that those in this Assembly today will listen to the likes of Deputy Trott and Deputy Parkinson, who have been in the States for some time, because there is no doubt this is going to be an election issue. (*Interjections*) There is no doubt you are going to be asked on the doorstep how you voted. (**A Member:** Of course.) (*Interjections*)

2900 Now if you can put your hand on your heart and say you are happy with the way you voted, fine and if you come back, I would expect you to follow that through. However, if it is all wishy washy, 'Well I have actually voted for it, I didn't agree with it, because actually ...' Well, then if you are a bit wishy-washy, throw it out and let the new Education Department come through, once they have carried out a report and brought it back to this Assembly. So I do suggest that Members think very carefully how they vote.

2905 And it is difficult when it is a debate like this right at the end of the term sir, because you cannot ask – we do not know who is going to be in the position in the future. So I can ask Deputy Sillars to give assurances, but of course, he will not necessarily be able to do that – none of us can actually do that.

2910 But with the States going to come back, I would like to see – because again, it is not in here, whatever they come back with, that there is consultation. That there is actually some form of consultation with those who are involved with the education system, both parents and pupils and indeed the community, with whatever they are going to bring back next time, because that is where you failed big time on this one, because those reports have not been put before the community for them to be able to give consideration to.

2915 And it is an interesting thing, isn't it? We have encouraged, we had a fantastic time here about two or three weeks ago, the Bailiff was presiding over the Youth Forum here, and it was a really good debate. And yet we have been inundated with emails and contacts from the youth and yet suddenly their feedback really has not been taken too much notice of.

2920 Now we either want to engage with the youth and get them to work with us, or when we get to something major – we had something not that long ago, where it was pooh-poohed – there was actually criticism by a couple of Members here, because the students had actually written to the States' Members and how inappropriate that was. They were accused of being set up by the teachers to do so!

2925 You need to make up your minds. I personally want to hear from the youth, I value their input; I want them to work with the States. They *should* have been part of this report before it came here and they were not, and neither were the parents.

So I, again, am disappointed by some of the responses.

Would you like me to give way to you, Deputy Sherbourne?

2930 **Deputy Sherbourne:** Yes, thank you very much.

The Bailiff: Deputy Sherbourne.

2935 **Deputy Sherbourne:** I wonder if you would kindly release to the Assembly the result of the debate that the young people had in this Assembly, to do with equity of provision and the 11-plus.

Several Members: Hear, hear.

2940 **Deputy Lowe:** I have not got the exact numbers in front of me, but...

Deputy Sillars: Sir, I have! (*Laughter and banging of desks*)

The Bailiff: Are you giving way to Deputy Sillars?

2945 **Deputy Lowe:** No, there is no need. I do know that it was (*Interjections and laughter*) in favour of removing it. But I also do know that we have had letters and contacts since of them saying exactly what is in the report here. There are many of those youngsters who have actually said that they are not against selection, they are against the 11-plus in its current format. That came through in this Assembly – I was here all day. I did not nip in and out, I was here all day. I heard that debate and I know exactly what those youngsters said here, and downstairs and afterwards and certainly in the last week as well. The youngsters have actually said they are not against some
2950 of form of selection, they are against the 11-plus in its current state.

So, I am just seeing if there was anything else ... (*Interjection by Deputy Sherbourne*) No, I think you had enough turns, Deputy Sherbourne, unless it is a point of correction.

2955 **Deputy Sherbourne:** I just wanted to ask the ...

The Bailiff: No, she is not giving way to you, Deputy Sherbourne. If it is not a point of order or point of correction, we cannot let everybody ...

2960 **Deputy Lowe:** It is also been said about how many schools are not full. Well, that is right because if they were full, we would have plans before us today to extend them – that they are squashed, there is not enough room.

2965 You have to have that buffer inside a school and even more so, with the plans that Education are looking to put forward, because they want pupils to go from school A, B and C, down to school D, which there may be several pupils coming across and you have got to allow enough room in that school, for them to be able to have the specialism of, whether it is Spanish, or whatever subject that they want to bus them around the Island for. So you do have to make sure that you have got enough room and it would be totally wrong if all the schools were absolutely full.

2970 So, I have nothing else to add, sir, apart from my request to the Education Minister, that somewhere it is noted that, please, get this message across. You must put the next report ... or take people with you – get away from this, 'This is what we are going to do.' Clearly, what we have got before us today, that we are about to vote on. The public have not had that opportunity. They have not had that opportunity and yet this is the way that it is going forward.

2975 And I hear what Deputy Fallaize said, 'Well of course that information has been available.' Well hey-ho, I did not know we had to start going to the States' Library to actually read States' Reports to make a decision on what is before us today. It has to be in the report before you. You should not have to start searching everywhere for that information. A comprehensive report has
2980 everything in it, to give you the pros, the cons, the benefits and not benefits, how much it is going to cost and all the variations. It is not in here.

2985 This is a poor report and it is not a total criticism on Education, which I have said previously during this last week. They have followed through the direction of this States. They had to bring a report now and as I said quite clearly, as well last week, I would not have done it. I would not have brought a report that is not actually complete and has not got all of that. I would have made a statement to the States and said, 'I apologise, I would rather, like Environment, say we haven't got the time to do it. It is on the way and sorry, it will be in the next States with everything in its place' – like the Island Development Plan is being done correctly.

Thank you very much.

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir,

2995 The briefest of speeches as ever. I have to say through you sir, only Deputy Lowe can pose democracy as a threat to the people. It amuses me. Perhaps sir, she may want to consider sursising the result taken by the Youth Forum parliament. I cannot remember what the result was. I am willing to give way to the Minister of Education, if he would like to enlighten me.

Deputy Sillars: Sir, it was 32 for, 2 against and 3 abstained.

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Deputy Brehaut: Thank you for that. I could not sit in for all of it, but I did see some of it. I just want to be very general in a very short summing up, last speech of this, before the vote, sir.

3005 Whether the Grammar School, La Mare de Carteret High, St Sampson's School, the Beaucamps, whichever, wherever, have a bit more confidence in Guernsey's students and Guernsey's young people, because they would deliver for you – they would deliver for you consistently. They engage with school for the main, they enjoy going to school, attendance levels are improved. Let us not focus on the institution, as we have done, I think at times, on an institution, more than we focus on the individuals.

3010 When we were discussing particularly selection, before we got to talk about La Mare de Carteret High following Deputy Gavin St Pier's speech, we were obsessing on 25% – okay, factor in the colleges to 30% or whatever – but we were obsessing over that cohort of children, that one group of children and not talking about the 75% of children who eluded this debate for the main part.

3015 Now, I hope for those of you who have referred directly to the volume of emails we have had, I just want you to observe, as I did, the change in emails. It moved from 'I am opposed to selection.' But then the emails as they came in thick and fast, people were changing very subtly what they were saying, some more explicitly. They were saying, 'I cannot support selection at 11, however, I believe the three-schools.' People did move. People acknowledged that once we had made the decision, that they too, a great number within our community who support the change, the move away from selection at 11.

3020 And just very, very quickly on school size. School size in an inner city is different to a school size on an island, and I think if we do have a three-school model, where there are more children ... I know Deputy Parkinson said that people thrive in small schools, but Guernsey is unique in this regard. So many connections, relationships are established Island-wide, because it is where people are most of the time, and then they attend a high school. Those connections are made, relationships are made and forged, not like other places, where when you walk out of the school yard, you may not see someone again until the next time you are back.

3025 I did not want to mention these two words because I do not want to become a caricature – missed the bus, point taken! – I just want to say two words: Le Rondin and Le Murier. We have had a debate about the future of secondary education and we have been pretty light with regard to special needs education.

3030 I do not want to say any more than that. We talk about the volume of high schools, we never ... we exclude in doing that Le Murier. We talk about the number of primary schools and in doing

3035 that, we generally exclude Le Rondin as well, but I urge Members to support the amendment in front of us, sir.

The Bailiff: No-one else is rising. Deputy Sillars will reply to the debate.

Deputy Sillars: Sir, thank you.

3040 I will try and keep this short, it has been a very long debate – in fact I understand it is a record length, so I am not going through all the points.

Let's pick up some of them. Deputy Dorey said that the soft federation is welcome by students. All the youth speakers welcomed the extra choices that they had had. Students I have also spoken to, most of them think it is a good idea – there are obviously always going to be one or two who do not.

3045 But where we have not got it right is where some of the parents and teachers are concerned. But we can improve and we will get it better, but just to make the point, 20 students started this, the year before last, 257 students are doing it currently and they have all seen the benefits of doing this. He went on to say and Deputy Laurie Queripel, 'unimpressed with the quality of decoration and the repairs.' Yes, so am I, but let us be honest about this. We were supposed to be demolishing these schools in 2014-15 and maybe 2016, I have no idea, 2017 or whatever we are going to be doing. But at that time, if we had spent millions on those schools to keep them up to shape, when we thought we were going to be demolishing them, it would have been wrong. But yes, you are right, they have not been kept as they ought to have been done, but we absolutely believed we would be demolishing them.

3050 Deputy Queripel, I am going to make a suggestion at the end of my speech, so hopefully you will listen to how we might be able to come to an arrangement on that.

We have had several reviews – two particularly – and the last review that has just come out has confirmed that it is not gold plated or over designed. Maybe we did not get it across, but there are two schools, it is for the autism – we know what it is all for. Each individual item is not an exorbitant amount of money. Of course it is a lot of money, building on this Island is a lot of money, but you break them down and where the site is and the benefits of having all those schools in one area and the benefits for autism and everything else, it is well worth the money. I am sure to reconfirm that to you.

3060 And the other thing is – somebody did say, I have forgotten who it was now – but we are in the middle of a tender process, with two local companies, hopefully going to be driving the price down. Now we have no idea where that will end. I do not know if we will ever know where we will end and that is exactly what we have been trying to do.

3070 Deputy Perrot, yes, I just confirm that it is with an open mind. We do say that the colleges do contribute to the economy of the Island, they do have an essential part to play and we will – whoever we will be – I am sure and I really hope, go forward to negotiate with the colleges, working together with the three of them, to come up with what is an acceptable proposal in mid-2017, ready to go forward in 2019.

I have written 'Deputy Gollop', but I have not written anything about what he said. (*Laughter*)

3075 Deputy Trott – is he here? No, shame. He made a very clear statement that he would have gone to see the schools operating in classrooms, being taught with teachers, if the *Grammar School* – he said it in that tone – had invited him. Well, he was invited by all four heads. They all invited every one of us here, to go and see the learning – not the buildings, but the learning – inside the schools, how they handled the classrooms. Everyone was invited by all four heads. (**A**

3080 **Member:** Hear, hear.)

Deputy St Pier, I will be very brief. I do not want to open the whole debate again, but the recommendations overcome the small issues as per Dr Nicholls. We have seen how the colleges, the numbers I have forgotten – there are 299 at Ladies' and 350 or so at Elizabeth ... They are great performing schools. They manage on those very small numbers. They do perform on those small numbers.

Deputy Brouard, I am sure you can – yes, I think you asked about voting against something, so I am sure you can.

3090 Deputy Fallaize, thank you for all your kind comments. We feel we have done a great job up to now and it is always for the benefit of the individual children. That is what has absolutely driven us.

3095 Deputy Lowe, actually I agree with you, we should agree with what Deputy Parkinson suggested. You are correct, I cannot promise what the new committee will say or do. We have already covered what the Youth Forum did. They were very impressive. They covered five huge areas. They are going forward on mental health and wellbeing. Absolutely, we should listen to them, we should engage with them and I have asked if we can actually, as a Department, meet up with them every six months or so, so they still feel engaged. A lot of work has gone into that. It would be a real shame to let that slide, once the election has gone through.

3100 I am deeply disappointed that our four-school model has not been approved. During the debate, Deputy St Pier quoted an email from a senior member of staff, so I will try and trump it with an email I received from an even more senior member of staff – quote –

'I was really struck by the proposals'.

This is Education's proposals.

'It captured my own beliefs and values and it had enough compromise in it to neutralise back some of the more conservative views, for example a bursary for the colleges, setting and streaming the high schools. I genuinely felt that this was the best model that you could have come up with, one that is fair to all our learners and gets rid of some of the most divisive aspects of our education system.'

It is a shame that this Assembly has not supported the four-school model.

3105 Deputy Gillson spoke about college funding. I would remind the Assembly that it was Policy Council's States' Report in 2010, as part as the FTP process, and we will be working with the colleges to bring back a new funding proposal in 2017 to commence in September 2019.

3110 Deputy Ogier, I am afraid is misinformed, but I guess I will cut most of this out because we have already accepted that. What I did just want to say, though, is that the Les Voies School has a small team of experienced professionals who go out to other schools to help support staff in addressing poor behaviour – sharing good practice with them, developing their skills, experience and confidence to address unacceptable behaviour at the earliest opportunity. This team also supports young people in our schools to address their own behaviour and most importantly, the reasons behind it.

3115 Before lunch, we had a brilliant, erudite and perfectly coherent speech from Deputy Parkinson. His analysis was spot on. 'If you vote for the final set of Propositions in their entirety, you will be putting a Sword of Damocles over all our schools.' You have already heard of all the difficulties we are facing within the last couple of days. All the while, our children and young people will suffer. We have consistently, as Deputy Sherbourne said in his speech, put the child at the centre of all our decision-making.

3120 You have been given an opportunity to provide change and stability by Deputy Parkinson's suggestions and allow a future States to make a final decision based on all the evidence and the facts.

We have an opportunity for this Assembly to regain some of the credibility outside this Chamber. I urge all Members to support Proposition 1. This will ensure we continue with the agreed non-selective secondary school system.

3125 I urge you to reject Proposition 1A. If you reject this, it will give my successors the opportunity to keep a four-school option on the table. It will help reduce the anxiety that we can be in no doubt is out there. The four-school option is still the best option for delivering a fair and equitable system, and it is what the community want. But, if my plea to keep the four-school option on the table fails, then ensure that all three-school options can be considered and that we can continue

3130 to deliver teaching and learning at the La Mare Schools, whilst we work on the future plans for secondary and post-16 education, which is life-long learning.

We need to vote for Propositions 1, 2, 3, and 4. In both your hearts and your minds, you know that what I am proposing – I hope – is the right thing to do.

Thank you.

3135

Deputy Trott: Can I have a point of correction?

The Minister, in summing up, accused me of being incorrect in the comments I made about the invitation. I have the invitation in front of me. The invitation was sent to States' Members on 12th February and it asked us to contact the head teacher of Les Beaucamps, the head teacher of La Mare de Carteret, or the head teacher of St Sampson's to arrange a visit.

3140

It was, as I said, completely without reference to the Grammar School and that is, as I said before, a shame.

Deputy Sillars: I really thought it was for all four. If it was incorrect, I will withdraw it, and apologise, but I was assured that all four had written.

3145

Thank you.

Deputy Trott: I will forward it to all States' Members.

Thank you, sir.

3150

Deputy Sillars: Well, I guess it already had been, as we were all invited.

The Bailiff: Members, we vote now on the Propositions, and of course we need to refer to the revised Propositions that were circulated at lunchtime that incorporate the amendments as had then been approved. Since then, Proposition 1C has been added, as a result of the successful amendment moved by Deputies Ogier and Brouard. So the Propositions you are voting on are those set out, as I said, in the revised Propositions, plus the addition of Proposition 1C.

3155

I think as a result of what has been said, we need to take them almost Proposition by Proposition with separate votes on virtually all of them.

3160

We start with Proposition 1. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I think I heard a request for a recorded vote just as that was being called, so we will go to a recorded vote.

Carried – Pour 26, Contre 20, Ne vote pas 0, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Harwood	Deputy Kuttelwascher	None	Deputy Stewart
Deputy Brehaut	Deputy Domaille		
Deputy Robert Jones	Deputy Langlois		
Deputy Le Clerc	Deputy Gollop		
Deputy Sherbourne	Deputy Le Pelley		
Deputy Conder	Deputy Trott		
Deputy Parkinson	Deputy David Jones		
Deputy Bebb	Deputy Lowe		
Deputy Lester Queripel	Deputy Spruce		
Deputy St Pier	Deputy Dorey		
Deputy Gillson	Deputy Paint		
Deputy Ogier	Deputy James		
Deputy Fallaize	Deputy Perrot		
Deputy Laurie Queripel	Deputy Brouard		
Deputy Le Lièvre	Deputy De Lisle		

Deputy Collins	Deputy Inglis
Deputy Duquemin	Deputy Soulsby
Deputy Green	Deputy Quin
Deputy Le Tocq	Alderney Rep. Jean
Deputy Adam	Alderney Rep. McKinley
Deputy Wilkie	
Deputy Burford	
Deputy Sillars	
Deputy Luxon	
Deputy O'Hara	
Deputy Hadley	

3165 **The Bailiff:** Members, the result of debating on Proposition 1 was 26 votes in favour, with 20 against. I declare Proposition 1 carried.

Next we move to Proposition 1A, and I have had a request for a recorded vote on Proposition 1A, which is that 11-16 education in the States' sector should be provided in three schools, ideally of a broadly comparable size, but in any event of a size capable of securing equality of opportunity for all students.

There was a recorded vote.

Carried – Pour 25, Contre 22, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Harwood	Deputy Domaille	None	None
Deputy Kuttelwascher	Deputy Gollop		
Deputy Brehaut	Deputy Sherbourne		
Deputy Langlois	Deputy Conder		
Deputy Robert Jones	Deputy Parkinson		
Deputy Le Clerc	Deputy Lester Queripel		
Deputy Bebb	Deputy Le Pelley		
Deputy St Pier	Deputy Ogier		
Deputy Stewart	Deputy Trott		
Deputy Gillson	Deputy David Jones		
Deputy Fallaize	Deputy Laurie Queripel		
Deputy Le Lièvre	Deputy Lowe		
Deputy Spruce	Deputy Collins		
Deputy Duquemin	Deputy Green		
Deputy Dorey	Deputy Paint		
Deputy Le Tocq	Deputy Brouard		
Deputy James	Deputy Wilkie		
Deputy Adam	Deputy De Lisle		
Deputy Perrot	Deputy Burford		
Deputy Inglis	Deputy Sillars		
Deputy Soulsby	Deputy O'Hara		
Deputy Luxon	Deputy Hadley		
Deputy Quin			
Alderney Rep. Jean			
Alderney Rep. McKinley			

3170 **The Bailiff:** Members, on Proposition 1A, 25 Members voted in favour; 22 voted against. I declare it carried.

Next Proposition 1B. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

3175 Proposition 1C, which I remind you is the Proposition added by the Deputy Ogier/Deputy Brehaut amendment. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

Next we move to Proposition 2a) i). There is also a request for a separated for a separate vote on 2a) i). Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

3180 Proposition 2a) ii) – those in favour; those against.

Members voted Pour.

The Bailiff: I declare that carried.

Can we take 2b), 2c), and 2d) together? Does anybody request any of those to be voted separately? No. We will take 2b), 2c), and 2d) together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

3185 Proposition 3. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

And Proposition 4. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

II. Amendments to the Vale Commons Ordinance 1932 – Debate deferred

3190 **The Bailiff:** Now Members, the next article that we would have debated is the policy letter from Culture & Leisure on Amendments to the Vale Commons Ordinance 1932 – Protecting Organised Sporting and Leisure Activities on L'Ancrese Common. I understand the Department would request that this be deferred, as there is an amendment to be moved, which is not yet ready. Is that correct, Deputy O'Hara?

3195

Deputy O'Hara: That is correct sir.

The Bailiff: So, we are being asked that that be deferred. There is an amendment that apparently arises as a result of some agreement that has been reached. So I put it to you that that be deferred until later in this meeting. Those in favour; those against.

3200

Members voted Pour.

The Bailiff: We will defer that.

That brings us, Greffier ...

HEALTH AND SOCIAL SERVICES DEPARTMENT

**III. Capacity Law –
Debate commenced**

Article III.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 16th December, 2015, of the Health and Social Services Department, they are of the opinion:

1. To approve the proposals set out in that Policy Letter, and specifically to approve:

a) the introduction of a general capacity test (sections 3.2-3.4),

b) the exclusion from the legislation of the decisions listed in paragraph 3.6.1,

c) the introduction of legal protection for decision makers on the basis set out in section 3.7,

d) the creation of a criminal offence of wilful neglect and ill treatment (section 3.8),

e) the creation of statutory Advance Decisions to Refuse Treatment (section 4.2) and Lasting Powers of Attorney (section 4.3), and

f) the introduction of Deprivation of Liberty Safeguards as proposed in section 5.2.

2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

3. To note the additional resources required from 2017 to support the implementation of this legislation, which will be prioritised as part of the transformation programme for Health and Social Care.

4. To note the potential impact on the Legal Aid budget, and to direct the Committee for Health and Social Care to report to the States of Deliberation on this issue when the implications are clearer and before the legislation is presented to the States for approval.

The Senior Deputy Greffier: Article III – Health and Social Services Department – Capacity Law.

3205

The Bailiff: And the debate will be opened by Deputy James.

Deputy James: Thank you, sir.

3210

Firstly, may I thank the Minister for Health and Social Services for permitting me to actually present this important Capacity Act policy letter to the Assembly. I feel it a great privilege to be delivering these proposals.

3215

As you may imagine, any policy or procedure which affords protection to the most vulnerable in our community is indeed close to both my heart and my head. For too many years, I have believed that Guernsey States has not placed the progression of its social policy issues high on their agenda. However, I now know that this Assembly have taken social issues very seriously and for that, I will look back on the past four years with pride. We have seen Members of this Assembly, support the Disability and Inclusion Strategy, the Domestic Abuse Strategy and the Supported Living and Aging Well Strategy, to name but a few.

3220

I believe the policy letter before you, and the additional information circulated, has clearly shown, why we need to support the proposal for Guernsey to adopt a Capacity Act. Put quite simply, we need to ensure the most vulnerable within our community are afforded protection and this must be enshrined in legislation.

3225 In my professional career, I came across a number of patients and clients I believe were at potential risk of financial abuse, sometimes sadly by their own family members and sometimes by carers, friends or neighbours.

Capacity issues affect people in making decisions. In order to protect and insure vulnerable people across our community, the Department considers it is vital to introduce legislation, underpinned by the appropriate policies and procedures, which will facilitate decision making for the present and in the future.

3230 These proposals aim to provide clear, efficient pathways, tailored – and sir, I emphasise the word *tailored* – to the needs of the people of the Bailiwick.

I wish to add, sir, that the policy letter has taken into account the views of the judges and the Bailiff in regards to retaining the *curatelle* rules – and for those uninitiated amongst us, that refers to the court’s supervisory powers, in essence a court-appointed attorney – and reflects detailed consultation with all parties, including Alderney and Sark.

3235 It also reflects concerns raised by one clinician about the use of the deprivation of liberties, and the lessons learned from this in the UK. Whilst this particular clinician’s views are not reflected in the views of his colleagues, it is important to be clear that the purpose of the legislation is to empower individuals to make decisions about their own lives and that the power to deprive people of that right should not be vested in clinicians without the appropriate knowledge, training and safeguards in place.

3240 However, this needs to be balanced with the avoidance of unnecessary bureaucracy. The policy letter therefore outlines a local and proportionate framework, as well as the Department’s intention to reflect the recommendations of the current Law Commission of England and Wales review of the implementation of their 2005 Mental Capacity Act, so that we do not – and I repeat, we do *not* – repeat the overly burdensome and unhelpful approach taken there, in respect to this aspect of their law.

3245 This should address any concerns and reassure Members of this Assembly, the Bailiwick is not seeking to impose UK regulations that do not reflect the needs and rights of our Islanders or that undermine professionals in seeking to provide appropriate care for highly vulnerable people.

3250 Finally, the policy letter outlines the ongoing development of lasting powers of attorney, for people to make such arrangements when they have capacity, for the use of a *curatelle*, when capacity has been lost and there are no arrangements in place.

3255 Members, these proposals before you are about addressing the paucity within our current legislation, to protect vulnerable people and shield them from exploitation.

3260 The Department intends to absorb the costs, as clearly set out in paragraph 8.3. Costs for 2017 will be borne as part of the ongoing redesign within our Oberlands development. This is to include the use of vacant existing social worker posts and the utilisation of other changes identified through the planned diagnostic of adult social care services, as mentioned in paragraph 8.4.

I need to emphasise the new Law is unlikely to be enacted until 2018 and future costs can only therefore be estimated at this stage.

3265 It is important to ensure that the human rights of all who lack capacity are being considered and respected, especially since in the incorporation of the European Convention of Human Rights into domestic law by the Human Rights (Bailiwick of Guernsey) Law, 2000.

3270 Members, each and every one of us sitting in this Assembly today may need and be grateful for the future protection this capacity legislation will afford us when enacted. So we all have a vested interest in progressing these proposals. They are a basic human right and Members, we, as an Assembly, have a basic human responsibility to ensure the people of the Bailiwick are assured of this protection. (**A Member:** Hear, hear.)

Thank you.

The Bailiff: Deputy Bebb.

3275 **Deputy Bebb:** Thank you, Monsieur le Bailli.

I congratulate the Department for actually bringing this policy letter so swiftly, after the direction of the States. I think that it has been excellent work that they have done.

Deputy Hadley: Excuse me, sir.

3280 I have placed an amendment to this policy letter, sir.

The Bailiff: Have you? Yes, sorry, you are right. You have. Sorry we need to deal with Deputy Hadley's ... Thank you for drawing that to my attention. Deputy Hadley's amendment.

The Greffier will read it.

3285

Deputy Hadley: Can the Greffier read it sir?

The Senior Deputy Greffier read out the amendment:

To delete proposition 1f) and add the following further proposition:

'5. To direct the Committee for Health and Social Care to await and consider the recommendations of the Law Commission of England and Wales on the law of mental capacity and deprivation of liberty before reporting back to the States with recommendations concerning the desirability or otherwise of introducing Deprivation of Liberty Safeguards.'

The Bailiff: Deputy Hadley.

3290 **Deputy Hadley:** Mr Bailiff, of course I understand that we do need the Capacity Law and indeed signed a requête which brought this forward.

I was disappointed to see a pre-emptive strike against this amendment by the Island's leading psychiatrist. He said, in the *Guernsey Press*, and I quote:

'Deputy Hadley is a lone voice.'

3295 He knows sir, that this is not true. The reason that I am bringing this amendment is because of the concerns expressed by the two psychogeriatricians employed by HSSD, and the judge of the Royal Court, who sat as a circuit judge in England. In any assessment of mental capacity, it is the psychogeriatricians who will be brought in as the experts.

The senior psychiatrist was with me and Deputy Soulsby, at a meeting, when these concerns were raised by the psychogeriatricians. So it is a total misrepresentation of the truth to say that I am a lone voice.

3300 Deprivation of Liberty Safeguarding (DoLS) is intended to ensure that people who do not have the mental capacity to make appropriate decisions are safeguarded from abuse and unlawful detention. It is intended that it deals with people with dementia, who are detained in hospitals or care homes. But, like the UK legislation, it is not specific to this group. In the PEH, patients are often deprived of their liberty, because in the judgement of the doctors, nurses and social workers
3305 involved in their care, they lack capacity to make appropriate decisions. This applies to patients with acute confusion due to drug or alcohol withdrawal, with delirium due to infection, or following surgery. Do the doctors looking after them have to obtain an immediate authority to deprive, then an interim authorisation, followed by a standard authorisation, at which point a care co-ordinator would appear to question all concerned, in order to make a best interests
3310 assessment?

3315 At present in Guernsey, this is dealt with adequately by our health professionals in a multi-disciplinary framework – health professionals who care for the people who lack capacity to make decisions for themselves. The legal framework to support this should be as simple as possible and not be failed legislation, copied from England and Wales. Other European countries comply with the Human Rights Convention in a lot less costly way.

3320 In section 5.2.5, HSSD does acknowledge that the 2005 Act is under review by the Law Commission, in England who have moved away from the original concept and instead are introducing new concepts of protective care, restrictive care and treatment. HSSD says it will use the comments to inform the drafting of the legislation. In other words, they are asking this Assembly to sign a blank cheque. They are already asking for up to £230,000 a year, to introduce legislation that may be completely rewritten and to produce layers of bureaucracy that may never be needed at all. There is no business case for this expenditure.

3325 It is quite misleading to suggest that the costs are just for training which can be done in-house, as suggested in *The Press* by an HSSD spokesman. There is no attempt to quantify the cost of a care regulation commission, which would be needed if the Department had not taken over the control of regulation of care homes from the direction of Environmental Health and Pollution Control. Nor has the Department attempted to estimate the costs of medical examinations. It has been suggested that assessment would be done by GPs, but they would almost certainly bring in the psychogeriatricians, putting a strain on an overburdened service.

3330 We need to await the fundamental review of DoLS legislation by the Law Commission. Now Mr Bailiff, in England, the Department of Health has paid for the Law Commission to investigate the legislation, because it is so upset at the way it is working. The Department of Health in England says any legislation should meet three tests, so that the new scheme delivers real tangible benefits for eligible individuals and their families, and despite the Law Commission's review starting about 3335 a year ago, an interim report in December was examined by the Department of Health in England, and its three tests were: does the proposal realise real benefits for the person who may lack capacity and all their family; does the proposal represent a good use of public funding or would this money, if spent elsewhere in the healthcare system, realise greater benefits for service users and/or their family; and viewed through the individual's eyes and those of the family, would the 3340 proposal make it easier and more likely for that individual and/or their family to engage with the scheme, realising the outcomes they would wish for?

That is the crux of this matter, Mr Bailiff. The view of the consultant psychogeriatrician is that this money would be much better spent providing social workers to help people with dementia in their homes, rather than unwanted bureaucracy.

3345 The Department of Health in England said that schemes should not be about ensuring legal compliance for the sake of legal compliance. They say that the Law Commission proposals so far do not meet the three tests. In other words, that the money could be better spent elsewhere. We would like to remind the Assembly that they have passed numerous policy papers recently, on children and young people, the aged, the disabled, the overweight. In all of these cases, the policy 3350 letters are little more than a wish list, because this Assembly has not been asked to approve the funding.

Mr Bailiff, this policy letter seeks to instruct the drafting of a Law which replicates the laws in place in the United Kingdom and which the Department of Health in England and Wales are working hard to have repealed. We should await the report of the Law Commission before 3355 starting the drafting of a Law. Members will know that drafting of law is only the starting point and it is the regulations which will be enshrined in ordinances which will determine how the law operates. However, ordinances are rarely debated in this Assembly and are often seen as operational.

My concern is that, if this policy paper is approved today, the ordinances will never receive the proper scrutiny they deserve. I would like to see the ordinances and the regulations alongside the laws before agreeing to a costly bureaucratic procedure being put in place.

3360 Finally, Mr Bailiff, T&R have made it very clear that they will not provide the funds for this and Deputy James emphasised that in her speech.

Now in the policy letter it says:

'Within this context, service provision will not be made beyond the ability of the Committee for Health and Social Care to prioritise and to make the required funding available.'

3365 Mr Bailiff, that is just not possible. If this Law is put in place, the resources will have to be put in
to obey the Law. The scenario I suggest, Mr Bailiff, is that, as it says in the policy letter, nursing
homes and residential homes will be authorised to be able to deprive people of their liberty. The
Department will train somebody within these nursing homes and residential homes, authorised, to
deprive somebody of their liberty. That person can make an interim assessment to deprive
3370 somebody of their liberty for 72 hours, and then within that 72 hours, an assessment has to be
done by a medical practitioner.

Now all of this is going to be a costly bureaucracy, which is not being costed and Mr Bailiff, I
would suggest that once you put a Law in place, these people will err on the side of caution. If
there are cases within residential and nursing homes where there is a suggestion that somebody
3375 is being deprived of their liberty unlawfully, I would suggest that they will err on the side of
caution and invoke this costly procedure.

Within the Health Service at the present time, we have a shortage of doctors and nurses. We
have got obsolete equipment and we have got problems across the children's service. It has been
suggested that this is a proportionate way of dealing with DoLS. Mr Bailiff, I suggest it is not
3380 proportionate. It is un-costed. There is no business case, there is no evidence that we need it and
the hundreds of thousands of pounds that will be needed for this legislation will have to come out
of care elsewhere.

I urge Members to support this amendment and Mr Bailiff, this is not to say that we do not
want this legislation. I emphasise that the sensible thing is to wait until the Law Commission has
3385 come up with its proposals in England and Wales – because Scotland and Ireland are different –
they have come up with their proposals for a way of dealing with the legislation in a proportionate
way.

Deputy James said glibly that we would deal with this in a proportionate way. Well, the United
Kingdom have the laws in place, and they are struggling to find a proportionate way of enacting
3390 the law that does not cause unnecessary bureaucracy. I would like to give the Assembly an
example of how this works in a hospital in England.

My daughter has been an ITU Consultant for eight years, and on the ward on which she works,
if they put mittens on a patient to stop the patient taking out essential lines, because that would
cause their demise, then that is considered a deprivation of liberty and they have to have people
3395 up on the ward to assess whether this deprivation of liberty is lawful. It is costing the Royal
London Hospital, where she works, a huge amount of money and they put in 1,500 applications a
year. I do not want to see this sort of legislation introduced into Guernsey and there is a real risk
that it will.

So all I ask this Assembly is to defer this by supporting this amendment.

3400

The Bailiff: Alderney Representative McKinley, do you second the amendment?

Alderney Representative McKinley: I do sir, and I reserve my right to speak.

3405 **The Bailiff:** Thank you, and I do not know, there are several ... We have got two Members of
the Department jumping up, I do not know which one of them wishes to exercise the
Department's right to speak at this stage – or whether Deputy Luxon does? But somebody on
behalf of the Department is entitled, if you wish to.

3410 **Deputy James:** I am happy to go, sir. I do not think I have ever said anything 'glibly' in this
Assembly, ever.

Sir, it is widely accepted that the Mental Capacity Act in 2005 in England and Wales is an
effective piece of legislation, which has increased the protection given to the most vulnerable
members of our community. The Capacity Law proposed by the Department therefore aims to
3415 introduce the statutory framework for the Bailiwick based on current practice, which will include –

and I repeat – appropriate scrutiny of protection for those that lack capacity and those that work with them.

3420 Despite the general approval received by the 2005 Act, the Deprivation of Liberties Safeguards inserted into it in 2007 have been more problematic and I clearly indicated that in my opening speech.

3425 The Department is well aware of the difficulties experienced in England and Wales, as already stated by me, in paragraph 5.1.6 of the policy letter, and it intends to introduce legislation which does not replicate the difficulties, but still respects the human rights of those who lack capacity. To this end, the Department has noted the proposals already put forward by the Law Commission of England and Wales, and will use the Law Commission's final report to inform the drafting of the proposed Capacity Law, as set out in paragraph 5.2.5.

If at some point, during the drafting process, it becomes clear that any unforeseen change of policy is required, it would be open to the Committee for Health and Social Care team to return to the States with amended proposals.

3430 The Department considers that it would be most appropriate for all of these proposals to be drafted at the same time, to ensure the best outcome for vulnerable members of the community, as soon as possible. To await the publication of the Law Commission's final report would introduce a significant delay to the drafting and the introduction of the Capacity Law.

3435 It is also suggested that delaying this legislation would save the States of Guernsey £200,000 a year. However, as set out in paragraph 8.3 of the policy letter, the Department intends to absorb the costs of implementation of the Capacity Law, including training, within its existing budget. Furthermore, through (1) a use of existing vacant social worker posts and other changes identified by the planned diagnostic, mentioned in paragraph 8.4; and (2) the re-profiling suggested in paragraph 8.5. The Department will meet the future costs of this legislation, while providing an affordable and effective service.

3440 It should also be noted that the suggestive rise of further unknown costs relating to medical examinations is not anticipated.

One of the last statements that Deputy Hadley said, which worries me, is 'I do not want to see this legislation.' Maybe that is the true objective behind this amendment, sir.

3445 He says there that there is no evidence of an urgent need for the legislation. How much longer does Guernsey want to wait? (**A Member:** Hear, hear.) I do not know, I do not like to precipitate people's comments, sir, but I think that Deputy Bebb was going to address that very issue and may so do.

3450 So I think that the background that Deputy Hadley has given for the justification of this amendment is blown out the water, so I ask you to *reject* this amendment.

The Bailiff: Deputy Dave Jones.

Deputy David Jones: Thank you, Mr Bailiff.

3455 Without wanting to disagree with my good friend, the long-serving nurse, Deputy James, I disagree.

3460 Look, the other day we had a statement in this Assembly from the Treasury Minister, which I thought showed, that we are likely to be in some trouble in the future if we do not get ahead of our spending. And as much as it is all nice to import this legislation in from the UK, and you say that you can absorb it in your budget, I want your budget spent on patients, on cancer drugs – (*Interjection*)

The Bailiff: I think he is suggesting that you address through the Chair.

3465 **Deputy David Jones:** Right, I want your ...

The Bailiff: It is not my budget, (**Deputy David Jones:** No, right.) (*Laughter*) it is the Department's budget!

3470 **Deputy David Jones:** Yes, I want the Department's budget spent on cancer drugs, on allowing
young boys to have operations on their legs, instead of me having to go and buy a lottery ticket
to make sure he gets it. (**A Member:** Hear, hear.) I want that money spent on proper medical care
and however much this Law is desired, we have to ... We have just given, recently, £8 million to
3475 Health. A big chunk of that will be spent on bureaucracy and governance that they have had to
bring in, over the maternity issue and others. And here we are again, Health are wanting to
introduce legislation that is going to take yet more money from their budget, on things that it
would be very nice for Guernsey to have.

I am unaware, as a Deputy, of there being huge problems, with us not already having some
legislation that deals with many of the things that I have read in this Billet about the protection of
3480 vulnerable people.

So it is not as if we do not have any legislation at all, or any laws, but as I say, we cannot keep
feeding Health more and more money, as Health go out of way to try and adopt UK legislation
that would be nice for Guernsey to have, but we simply cannot afford. And that is a fact of the
matter, and all the people who say, 'Well, you are leaving these people in a vulnerable' – we are
3485 not. As I said, we have got legislation to cover that.

So please spend your budget looking after patients on proper health care. In fact you might
actually want to spend it on some HR, to stop our nurses walking out the door. I spoke to another
one yesterday, who told me that a manager came on the ward –

3490 **The Bailiff:** Is this relevant?

Deputy David Jones: Yes, it is because this is where the budget should be spent, sir.

A manager came on the ward, asking them why they had not filled in the latest audit, when
there were two of them – two of them fully qualified nurses, rushed off their feet and this
3495 manager, all they were interested in was where was this latest audit. They said, 'We are rushed off
our feet. We'll find the time to fill it in.' It is absolute nonsense! Spend some of your money on
that.

Thank you.

3500 **The Bailiff:** Deputy Bebb.

Deputy Bebb: Thank you, Monsieur le Bailli.

Deputy Jones makes the point that we do not have the money for this, but in all honesty I
would ask Members to think very carefully about the reality of whether we have appropriate
3505 legislation at the moment. (**A Member:** Hear, hear.) I would argue that we do not.

The need for this legislation is *urgent*. It is not 'pressing'. It is *urgent*. We have circumstances
happening today.

I was approached by a certain someone who suffers from bipolar disorder and in certain
moments of mania has a complete lack of capacity, but because there is no legislation available at
3510 the moment to safeguard it, there is nothing to be done to actually protect her/his actions.
Therefore the argument that there is nothing happening today is *false*, I would argue to Deputy
Jones.

Now, the other point that I would actually argue –

3515 **Deputy David Jones:** On a point of correction – sorry, through the Chair. On a point of
correction, I did not say there was nothing happening today. I said we have legislation already
that covers the protection of vulnerable people.

3520 **Deputy Bebb:** And as I stated, that is false, given the circumstances that are happening –

Deputy David Jones: It is not false.

Deputy Bebb: – today and the circumstances that I have outlined.

3525 The other point that I would make is that when we come to the lack of capacity, there is another circumstance that I was approached by a centre member who is gay and whose relationship with their parents has now come to a complete stop, because they are fully ... could not accept them for being homosexual. They have been shunned by the family, but of course are not married, because there is no such protection in Guernsey available. Therefore, if that person were to come to any harm, were to lose capacity, the next of kin is the family that have shunned them.

3530 **Deputy Hadley:** On a point of order, Mr Bailiff.

Deputy Bebb is not discussing the item under discussion. The amendment relates to the Deprivation of Liberty Safeguarding, not –

3535 **Deputy Bebb:** And I will come to that.

Deputy Hadley: He is talking about the Capacity Act and the case that he mentioned with somebody with bipolar disorder, I do not see where the Deprivation of Liberty Safeguarding affects that particular case. I do not think he is on the right subject, sir.

3540 **Deputy Bebb:** If I may, Deputy James made reference in her retaliation to Deputy Hadley, as to why it *is* essential, and that Deputy Hadley outlines that his desire was to see a delay, and therefore I feel that I *am* addressing the point.

3545 **Deputy Hadley:** Sorry sir, I am asking for the specific section 1f), which is Deprivation of Liberty Safeguarding. I am not asking that the whole of this legislation is delayed sir, just one particular section of it.

3550 **The Bailiff:** Deputy Bebb.

Deputy Bebb: And I would answer to Deputy Hadley, clearly, that to implement a piece of legislation that would allow the deprivation of liberty, but remove the deprivation of liberty *safeguard* would be *wholly inappropriate*. To actually enact legislation that deprives liberty, but to strip out the very parts that give safeguard, I honestly ask whether anybody could imagine such a measure to be appropriate.

3555 Now also, if I go further on this point, if Members would like to turn to section – my apologies, I believe that it is section 5.2. Yes, 5.1.6:

‘The Department recognises that, as in England and Wales, it might sometimes be necessary to care for persons who lack capacity in circumstances ...’

3560 – that it is a streamlined version that is actually going to be proposed here. Not exactly as the UK Act.

The other thing that is made quite clear in this policy letter is that the Department will keep the review that is currently underway in the UK in close regards, when they are drafting up the legislation. So one has to ask, what are we looking to remove, such as safeguards that – I do not give way – are actually being there? Why are we looking to remove the safeguards completely, which is what this amendment asks for, just at the point that we have said that we recognise the difficulties, that this policy letter says that it is recognised, that it will be kept under review and

that indeed a streamlined version is what would be enacted? I honestly ask, why would we want to remove the safeguard?

3570 I personally cannot imagine of any circumstance where we would say that we want to remove people's liberty, place them in a position such as we have for other people that we have removed liberty for, that we have legislation for – under the Mental Health Act, where we actually have them put into the Oberlands Centre and under criminal law, where they are put into prison. That is deprivation of liberty. These are extreme, draconian measures. And Deputy Hadley is proposing that all the safeguard be removed.

3575 Members, on this particular amendment, I have to say that one thing and one thing only would be the logical conclusion, and that is to throw it out.

Thank you.

The Bailiff: Deputy Adam and then Deputy Soulsby.

3580

Deputy Adam: Thank you, sir.

3585 As Deputy Bebb did not give way, I wish to correct one point he said. He kept referring to the UK Act. It is *not* the UK Act. It is the England and Wales Act, and why that is important is because the Scottish one and the Northern Island one have tried to avoid DoLS, as it is called. They have tried to put other measures in, because of the very problems that we are talking about.

So first, sir, I go back now to the start of what I was going to say. This amendment only refers to Proposition 1f), that is the introduction of Deprivation of Liberty Safeguards as proposed in section 5.2. All other aspects of the recommendations should be accepted, as this Capacity Law is essential, providing safeguarding to those who require support.

3590 These issues were considered at the time of the updating, modernising or actually introducing appropriate mental health law several years ago, but at that time – and sir, it may have not been the Law Officers – certainly the psychiatrists and those involved, recognised that it was a very complex issue.

3595 In England and Wales, the Mental Capacity Act 2005 provides the legal framework, as Deputy James said. Also she said that two years later, in 2007, it was amended to ensure that there were adequate safeguards to protect adults who lacked capacity, when they were deprived of their liberty in care homes or hospitals.

3600 Now the procedure is fairly complex, as Deputy Hadley has outlined. In a context of care settings, it is defined, when a person is placed under continuous supervision and control, and is not free to leave. Deputy Hadley said that the system ... You apply to the local authority for authorisation, two different professionals assess on six criteria. If all six criteria are met, authorisation is given. It is really quite complex, but before anyone can do that, they have to be trained in the area concerned. They have to be trained to ensure that they understand what these criteria are.

3605 Deputy James and Deputy Bebb and Deputy Hadley have all agreed that there are problems with this system that is in place in England and Wales, and they have been fairly expensive issues for England.

3610 Now HSSD does actually employ a senior member of staff who used to work for the Care Quality Commission, and I expect that person is fully aware of the many issues that have been involved.

Unfortunately, tending to repeat some of the things, the House of Lords Select Committee made serious criticisms in their report in 2014, and the Law Commission was charged to investigate. The HSSD report actually acknowledges this in section 5.1.6 on page 1793. It states the system introduced should be appropriate to size and administrative resources.

3615 However, the proposals in section 5.2 are described as streamlined versions of the system in England and Wales. What does one mean by 'streamlined versions'? Sir, through you, could I ask the Procureur, how they are going to streamline the version that is in England and Wales?

It also introduces another system of 'authorised establishments':

'the Department is currently considering the arrangements for the regulation of care quality and the need for an 'independent' or 'quasi-independent' body to support the legislation relating to this.'

3620 Quasi-independent – how can it be independent or quasi? It should be one or the other. In my opinion, the care regulation commission should be an independent, self-standing statutory authority.

As stated, it would apply only to the physical environment and care processes.

3625 When an establishment in Guernsey have been given authorisation by the Care Regulation Commission, the procedures would be similar to those in England, with best interest assessment by professionals from CRC, and mental health assessments from a medical practitioner, properly trained. A challenge to grant authorisation to deprive of liberty could be made to the Royal Court. We are not actually told what the cost of all that is, but if you look at the Mental Health Law, before it was introduced, HSSD insured there is about £300,000 available for the tribunals, second opinions that will be required, because it is very difficult to get a second opinion, for example

3630 from another doctor or another social worker, when they are all working for the same authority. So that is what happened. The costs in staff time, training and administration are not mentioned.

3635 Why does Guernsey wish to try and improve an English system that has been so criticised and which is under investigation? Why not wait until the English have managed to sort out this system? Or why not look at the system that is used in Scotland and Northern Island? They actually recognised the problems that were occurring in England.

In Scotland, the law relating to capacity was enacted, actually, Deputy James – through you, sir – in 2000. It shows how far behind the times we are. (**Deputy James:** Yes.) It is called the Adults with Incapacity (Scotland) Act. The Act provides a framework for safeguarding and welfare and managing finances of adults who lack capacity due to mental disorder or inability to communicate. It is similar in definition of incapacity and in the principles of the England and Wales law, as outlined in the States' Report. The Act provides for other people to make decisions on behalf of adults with incapacity in two ways: power of attorney – while they have capacity, individuals can grant someone powers to act as their continuing welfare attorney; and guardianship – this can cover financial and on welfare and is used when power of attorney is not possible. It is made through the court and can be applied by an individual or by the local authority.

3640 3645 Welfare attorneys and guardians have the authority to act on behalf of the person with impaired capacity, including decisions on where they live, and they must act according to the principles of the Act. Supervision and regulation of welfare of guardians and welfare attorneys is the responsibility of local authorities.

Sir, to me, this appears to be a simpler system, without actually bringing in Deprivation of Liberty Safeguard procedures.

3655 Scotland had recognised that as a result of the European – the ECHR – ruling in the *Bournemouth* case, their procedures need to be investigated to ensure compliance with Article 5 of the Human Rights Law and they are going through that process at the same time.

Similarly, Northern Island does not currently have deprivation of liberty safeguards, but has proposals underway. They are also being cautious about introducing these, because of the problems related to English law.

3660 Members, this amendment asks for delay to consider the outcomes of investigation of the deprivation of liberty safeguards in other jurisdictions and it is a sensible precaution and may avoid setting up inappropriate complex and costly administrative legal structures.

3665 And I say, it is a certain concern of mine that we are giving extra work to our Law Officers to streamline this Law, when we simply wait or go along with the Scottish system and Northern Island system.

The concern about costs. Once you have a law in place, that law has to be adhered to, so you cannot prioritise spending in this area, because you have to follow the legislation that is laid

3670 down. That is not covered, I don't think, in this report. That is what happened with the Mental Health. We knew we were going to have tribunals, we knew we were going to have second opinions, therefore we knew we would have to get an extra £300,000 for HSSD under legal aid to cover that.

3675 Sir, I consider that this is not a hindering amendment. This to me is common sense to try and simplify what is on offer and not go down the route of the UK or even ask our own Law Officers to streamline the services, when the Law Commission is looking into that aspect. Or you could look at Scottish law, as laid down at the present time.

Thank you sir.

3680 **The Bailiff:** Can I just have an indication of how many more people wish to speak on this amendment? Deputy Soulsby, And Alderney Representative McKinley and the Minister. Well, I put it to you that we continue, at least to conclude debate on this amendment. Those in favour; those against.

Members voted Pour.

The Bailiff: We will continue.
Deputy Soulsby.

3685 **Deputy Soulsby:** Sir, Deputy Hadley is nothing, if not consistent. Here he is laying yet another unnecessary amendment. This policy letter is a result of extensive consultation with those professionals concerned. Now, Deputy Hadley referenced a meeting with the psychogeriatricians and I think I need to actually say what happened in that meeting.

3690 Just to give a background, at a board meeting, when this policy letter was discussed, Deputy Hadley said that a couple of psychogeriatricians did not like it and he could not support it. So following that meeting, I agreed to meet with them and Deputy Hadley, together with the consultant psychiatrist of Adult Mental Health, the Head of Older Adult Services, the Director of Communities and the Law Officer involved in this area.

3695 At that meeting, it was clear that the psychogeriatricians had been led to believe that this policy letter was actually the law. They were advised that this was not the case. It was also clear that there was a lack of awareness of the legislative process here and that we would have little ability to develop a law different from the UK. They were advised that this was not the case.

3700 A final concern was with regard to the term 'deprivation of liberty'. This is a phrase that is tainted due to how the system has been put into practice in the UK. It was explained that the term comes from Article 5 of the EU Convention on Human Rights, which Guernsey has incorporated into its law, as Deputy James said, in the Human Rights (Bailiwick of Guernsey) Law 2000. Article 5 states that:

'Everyone has the right to liberty and security of person. No one should be deprived of his liberty save in the following cases and in accordance with the procedure prescribed by law',

and then they are set out.

3705 Now, Deputy Adam said how wonderful the Scottish system was, but he did actually say at the end how Scotland was looking at whether it was compliant with Article 5 and yes, that is a problem with the Scottish system at the moment.

3710 Therefore – no, I will not give way, sir. Therefore, in order for our law to be compliant with the Convention, we have to use the same phraseology. However, that does not mean this has to be used as a standard term, merely that it is made clear that whatever term is used, it has to be referenced to the term 'deprivation of liberty'.

Now, the proposals suggested by the Law Commission, which, yes we have already seen proposals which have been out to consultation. It is not as if, 'Oh, I wonder what the Law Commission is going to say!' We actually have a very good idea what the final report will say. One

3715 of their proposals that they put to the consultation included changing the term in the UK to 'protective care'. The two psychogeriatricians were assured.

It was made clear in that meeting that no one wanted to –

Deputy Hadley: Point of correction, sir.

3720 **The Bailiff:** Deputy Hadley.

Deputy Hadley: As a point of correction, the two psychogeriatricians are not assured. The one consultant psychogeriatrician that we have fully understood the Law, fully understood the Convention on Human Rights, it did not need to be explained to him what DoLS meant. He is still
3725 opposed to this legislation because it takes money out of patient care. He is still of the view that this money should be spent on Social Workers supporting people in their homes. He fully understands the law. He is still fully opposed to it.

Deputy Soulsby: Sir, it was made clear in that meeting that no one wanted to follow the UK.
3730 We wanted a balanced and proportionate law for Guernsey.

In fact this is an opportunity for Guernsey to be ahead of the UK and set the benchmark, not follow. We know the problems, as referenced by Deputy Adam. We know the problems in the UK, we are not going to ignore them, and we could do that and would do that, through working with the professionals to develop the professionals, to develop the legislation, regulations and
3735 subsequent codes of practice. There is nothing in this policy letter that says this will be anything like the UK.

Sir, at the end of that meeting, the professionals – just note, just the two professionals – with the concerns were assured. We actually had them state in that meeting, they were assured.
(**Deputy James:** Hear, hear.) Deputy Hadley said that he was, if they were. Great! It was a good
3740 meeting and I reported back to the Minister and said that, 'I think it was an excellent meeting, we have got everything clarified, concerns have been dealt with.'

Then two days later, we have Deputy Hadley saying he was not happy and would not support the policy letter, again.

Sir, the problem here is, I am afraid, with Deputy Hadley, not this policy letter. Sir, Deputy
3745 Hadley is alone, and I urge all Members to reject this amendment.

Deputy Hadley: I will correct that, sir, because that is – as I can repeat again, and I would certainly not misrepresent the view of the consultant psychiatrist – the consultant psychiatrist was not reassured at that meeting and is still opposed to this legislation.
3750

Deputy Luxon: May I make a point of correction, please, sir?

That is incorrect. In email exchanges, both psychogeriatricians confirmed that they were assured and they were comfortable with the proposals as proposed.

3755 **The Bailiff:** Deputy Adams.

Deputy Adams: Sir, may I make a point of correction now, since they did not want to give way. Deputy Soulsby, sir, said that I did not mention about Scotland's looking at their law. What I said was – and I accept it was in a Scottish accent as well – Scotland has recognised as a result of
3760 the ECHR ruling in the *Bournewood* case, their procedures need to be investigated to ensure compliance with Article 5. This process is currently underway. That is what I said.

The other thing sir, I would like to – as I did with Deputy Bebb – I would like to remind Dr Soulsby, it is *not* a UK law. It is England and Wales and yes, there is quite a big difference because Northern Island and Scotland have different laws.

3765 Thank you, sir.

Deputy Soulsby: Just on a point of correction on the point of correction.

I did actually refer to Deputy Adam mentioning how Scotland was looking at whether it complied with Article 5.

3770 **The Bailiff:** Alderney Representative McKinley.

Alderney Representative McKinley: Thank you sir.

3775 I don't profess to be an expert on this subject, and I hope that that will remain the case in some ways (*Laughter*) so my thoughts and opinions on this issue, really, are based on the information I received from the manager of the Connaught Care Home and the Jubilee Care Home in Alderney. We have slightly different views on what might happen here and there.

3780 I will not go over – because of the time limitation – I will not repeat some of the things that both Deputy Hadley and Deputy Adam have said regarding the review of the procedures in England and Wales. I will say, though, that the costs of a similar community in England, based on the price it cost in 2010, for Chester, which actually equates to about 65,000 people, was nearly £400,000 a year – and that does not take into account court fees. The deprivation of liberty application in the UK at the moment costs £400 per person and it costs about £1500, to train somebody to care for, or be able to go and take care of those affected.

3785 As far as we are concerned in the Channel Islands or in Alderney and in Sark, I think, (a) we do not have the availability of trained staff, so we are going to have to pay quite a lot of money to train staff – indeed if we have the people there, because actually our unemployment in Alderney is in single figures.

3790 Secondly, we do not have an advocate there and we need an advocate and a Greffier, in order to determine whether somebody should be deprived of their liberty. And nor are we able to conduct a best interest assessment. So all of those would have to be conducted from here, which is an additional cost of travel, accommodation and other such things.

3795 So, I would ask Deputies and others listening, please, not to conclude that I am in no way supporting, not offering assistance for the most vulnerable. I am merely saying that we should request a decision be delayed for reasons stated. We are not saying it should not happen, just let us delay this until we have more information.

Thank you, sir.

The Bailiff: Deputy Luxon

3800 **Deputy Luxon:** Sir, I will be very brief I promise.

3805 Deputy Dave Jones, through you sir, it was Deputy Jones that actually made the decision for HSSD to bring these proposals before you. On page 1782, at 2.1, it very clearly explains how the Policy Council's Disability Inclusion Strategy was tabled in November 2013, and this Assembly agreed that HSSD should bring back these Capacity Law proposals. Deputy Dave Jones was part of that Policy Council, sir.

References to Deputy James being glib and not up to date are inappropriate.

Sir, Deputy Mike Hadley did make it clear that he was uncomfortable about the whole policy letter initially. That followed some dialogue he had with our two psychogeriatricians, as he said.

3810 **Deputy Hadley:** Point of correction.

That is not the case sir. The only issue I have is with the Deprivation of Liberty Safeguarding, which is 1f). It is one part of this. I have supported the capacity legislation. It is legislation that we need.

3815 **The Bailiff:** Can I just ask? You will get a chance to reply at the end of the debate. We have just had so many points of correction (**Several Members:** Hear, hear) and I get the sense that

Members within the Assembly are rather losing interest. (*Interjections and laughter*) If you are hoping to win your arguments, I think you might find it would help if you wait until your reply.

3820 **Deputy Luxon:** Sir, through you, I hope they are losing interest in the right way, in the sense of not supporting the amendment, but sir, Deputy Hadley asked not to have his name on this policy letter, because he did not support it. He then asked to have his name attached to this policy letter, after the meeting Deputy Soulsby described, because he did support it, including 1f), and then he changed his mind and did not want his name attached.

3825 Sir, I only make the point. This is a very serious matter. This Capacity Law has been long coming and I realise Deputy Dave Jones said that this was less important than spending on other front-line services – we totally agree with him, front-line services are important, but to actually say that this is unimportant, I think, is not appropriate.

3830 Deputy Hadley's other advice was from a visiting Deputy Bailiff Judge, I believe at a drinks party, who gave some indication that there had been some problems with the England and Wales Act in the UK.

3835 So sir, all I would say is, that we are not enacting that UK law. The policy letter very clearly describes how we have addressed ourselves to that. We have come up with a proportionate set of proposals and paragraph 8.6 very clearly says that we will come back to the States, including the learnings from the review that is underway.

Sir, this amendment is simply unnecessary, because all that it asks for is already included in the policy letter that we are presenting to you here today.

I would urge Members not to support, and I congratulate Deputy Green for removing his name from seconding the amendment. (*Laughter*)

3840 **The Bailiff:** Does anyone else wish to speak on the amendment?
Deputy Hadley may reply.

3845 **Deputy Hadley:** I think it is sad when we get to the situation where you have got to take one person's word against another and there is this argument of who said this and who said what.

First of all, to talk ... The judge is not a visiting judge. It is a judge of the Royal Court, who formally sat as a circuit judge, in the United ... in England – sorry I slipped up there – dealing with Deprivation of Liberty Safeguarding. It is a judge who is very worried about us introducing the legislation in our Island.

3850 **Deputy Soulsby:** Sir, sorry, I have to make a point of correction on that front, because I understand that same judge has actually seen this policy letter and is quite happy with the way we are approaching things.

3855 **Deputy Hadley:** Well, I do not think that is the case, because in fact the judge has been in South Africa for the last few months, but anyway – (*Interjections*) If we can continue.

3860 The real situation in the Department is that we did have this meeting, the consultant psychogeriatrician has been under considerable pressure from the Department not to press his concerns about this – and initially, I think all of us would much rather have not pursued this, but in the event, concerns were so great, I have continued with this amendment.

It has been said that we are not going to replicate the English legislation and we are doing this in a proportionate way, but if Members have read the policy letter at 5.2.2, it is a whole list of bureaucracy.

3865 First of all, as Deputy Adam said, we are going to set up a Care Regulation Commission. A whole commission is going to be set up. There is no indication as to the cost of setting up this Care Regulation Commission. Then there is the training, as outlined in the Billet, of the person authorised to deprive of liberty, and there is no indication of the costs. I was told at the meeting, it

3870 could just be a GP. Well, a domiciliary visit from a GP will cost at least £150, but I am told that in fact the only people who really qualified to deal with mental capacity issues are the psychogeriatricians. The psychogeriatrician is extremely worried about the extra work this will put on the Department.

We have been talking about using social workers. Well, we cannot fill all the social worker posts that we have got at the moment.

3875 This is not an informal system. It outlines here the bureaucracy that this Assembly is going to agree to if it passes this policy letter unamended.

I can only say, that never before have I heard this Assembly ... This Assembly who worries, the number of times Deputy Paint has said, 'Where's the money coming from?', and here you are giving a blank cheque to an expenditure, which could be well be half a million or more pounds a year, and which could well come – (**A Member:** Rubbish!) (*Interjections*) It is not costed!

Deputy Bebb: Point of correction.

I am afraid that this Assembly is not being asked to give any such cheque, because it is coming from internal reorganisation of HSSD.

3885

Deputy Hadley: Well, I really do not see the difference, Mr Bailiff. What this Assembly is doing, it is authorising the Department to spend half a million out of its budget, or more, on legislation, instead of patient care. It is an extraordinary situation.

3890 **Deputy Bebb:** Point of correction.

This is integral to some patients' care and I would wish that Deputy Hadley stops referring to it as not being so.

The Bailiff: That was beyond the point of correction. If we are to have points of correction, can we please just keep them brief and not have extended debate.

3895

Deputy Hadley: At the moment, there is a perfectly informal way that we deal with this situation. If somebody is in residential care or a nursing home, and they claim that they are being kept against their will, then the nursing home generally brings in a general practitioner to look at the patient. If the general practitioner has any concerns, then they bring in the psychogeriatrician from the hospital, and the psychogeriatrician assesses what is the best interest for the patient, whether they should stay in the particular care home they are in, or whether they should be transferred somewhere else, or go home.

3900

That situation is in place at the moment. It works. There has never been any suggestion to my knowledge, or to the professionals in the hospital, that anybody has ever come to any harm on this Island, because their liberty has been deprived in this way.

3905

If we approve of this legislation, then we are setting up a whole system of bureaucracy to solve a problem we have demonstrably not got. And indeed, I am not saying that we should never have this legislation. What I am saying is that we should wait until the Law Commission has reported in the United Kingdom – in England and Wales, sorry. In England.

3910

The big problem in England that has occurred is that the Law Commission cannot come up at the moment with a set of proposals which is not open to excessive bureaucracy and cost. They are finding it difficult to come up with an answer, and yet on this Island, with much more limited resources, we think we can put legislation in place that will not end up really bureaucratic.

3915

So, again I urge this Assembly to pass this amendment, which directs the Department to wait for the report of the Law Commission in England.

The Bailiff: Members, we vote on the amendment proposed by Deputy Hadley, seconded by Alderney Representative McKinley.

3920

Deputy Hadley: With a recorded vote.

The Bailiff: With a recorded vote.

There was a recorded vote.

3925 **The Bailiff:** Members, while those votes are being counted, can I just have an indication whether anybody wishes to speak in general debate? Deputy Bebb and Deputy Perrot and Deputy Adam.

Well I think, perhaps having regard to the tone in which that last debate was conducted, (Laughter) I think maybe it will be better if we adjourned and resumed tomorrow morning. (Several Members: Hear, hear.) Unless any ... No, I am not going to be putting anything else! 3930 (Laughter) I suggest we just get the result of this vote, then we will resume tomorrow morning, when I expect the Deputy Bailiff may be presiding.

Deputy Fallaize: Which item will be taken next, please?

3935 **The Bailiff:** I do not know. Will the Culture & Leisure Department be ready with their policy letter?

Deputy O'Hara: Apparently so.

3940 **The Bailiff:** Right.

Deputy Le Tocq: I was just going to suggest sir –

3945 **The Bailiff:** Shall we just get the result of this vote and then I will let the Chief Minister say something.

Not carried – Pour 20, Contre 22, Ne vote pas 0, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Harwood	Deputy Langlois	None	Deputy Stewart
Deputy Kuttelwascher	Deputy Robert Jones		Deputy Gillson
Deputy Brehaut	Deputy Le Clerc		Deputy Burford
Deputy Domaille	Deputy Gollop		Deputy Inglis
Deputy Sherbourne	Deputy Parkinson		Deputy Sillars
Deputy Conder	Deputy Bebb		
Deputy Le Pelley	Deputy Lester Queripel		
Deputy Trott	Deputy St Pier		
Deputy David Jones	Deputy Ogier		
Deputy Laurie Queripel	Deputy Fallaize		
Deputy Lowe	Deputy Le Lièvre		
Deputy Green	Deputy Spruce		
Deputy Paint	Deputy Collins		
Deputy Adam	Deputy Duquemin		
Deputy Brouard	Deputy Dorey		
Deputy De Lisle	Deputy Le Tocq		
Deputy O'Hara	Deputy James		
Deputy Hadley	Deputy Perrot		
Alderney Rep. Jean	Deputy Wilkie		
Alderney Rep. McKinley	Deputy Soulsby		
	Deputy Luxon		
	Deputy Quin		

The Bailiff: On the Deputy Hadley/Alderney Representative McKinley amendment, 20 votes in favour; 22 against. I declare it lost.

Procedural –

**IX. SWBIC – Comprehensive Social Welfare Benefits Model
to be taken as next item of business**

3950 **The Bailiff:** Chief Minister.

The Chief Minister (Deputy Le Tocq): Sir, yes with your permission and the Assembly's sir, I would like to suggest that the SWBIC policy letter be taken next, because I think that is probably the most important item next on the Agenda, and it is going to obviously generate some interest and debate, so I think that should be taken next, sir.

3955 **The Bailiff:** Would you wish me to put that to the Assembly today, or do wish to decide that in the morning?

3960 **The Chief Minister:** I think it would be good to put it today, so we know where we are.

The Bailiff: And so the proposition is that we take next the Social Welfare Benefits Investigation Committee policy letter on comprehensive social welfare benefits model. Those in favour; those against.

Members voted Pour.

3965 **The Bailiff:** It is SWBIC. We rise now and resume at 9.30.

The Assembly adjourned at 5.55 p.m.