



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Wednesday, 29th June 2016**

*All published Official Reports can be found on the  
official States of Guernsey website [www.gov.gg](http://www.gov.gg)*

**Volume 5, No. 21**

**ISSN 2049-8284**

*Published by Her Majesty's Greffier, The Royal Court House,  
St Peter Port, GY1 2NZ. © States of Guernsey, 2016*

**Present:**

**Richard James McMahon Esq., Deputy Bailiff and Deputy Presiding Officer**

**Law Officers**

H. E. Roberts Esq., O. B. E. Q.C. (H.M. Procureur),

**People's Deputies**

**St Peter Port South**

Deputies P. T. R. Ferbrache, J. Kuttelwascher, D. A. Tindall,  
B. L. Brehaut, R. H. Tooley

**St Peter Port North**

Deputies J. A. B. Gollop, C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc,  
M. P. Leadbeater, J. I. Mooney

**St Sampson**

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett, G. A. St Pier,  
T. J. Stephens, C. P. Meerveld

**The Vale**

Deputies M. J. Fallaize, M. M. Lowe, L. B. Queripel,  
J. C. S. F. Smithies, S. T. Hansmann Rouxel

**The Castel**

Deputies R. Graham L.V.O, M. B. E, C. J. Green, B. J. E. Paint,  
M. H. Dorey, J. P. Le Tocq

**The West**

Deputies A. H. Brouard, A. C. Dudley-Owen, E. A. Yerby,  
D. de G. De Lisle, S. L. Langlois

**The South-East**

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. R. Roffey,  
R. G. Prow, V. S. Oliver

**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**

J. Torode, Esq. (H.M. Greffier)

**Absent at the Evocation**

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller)  
Deputy D. B. Jones, (*indisposé*)

## Business transacted

Evocation .....	1529
Convocation .....	1529
The Procureur – Relief of warrant.....	1529
Statements.....	1530
Response to the result of the UK’s EU referendum – Statement by President of Policy & Resources Committee.....	1530
Update on public service reform and transformation agenda – Statement by the President of the Policy & Resources Committee .....	1532
Membership of the BEPS inclusive framework – Statement by the Vice-President of the Policy & Resources Committee .....	1539
Current financial position of the Committee for Health & Social Care – Statement by the President of the Committee for Health & Social Care .....	1541
<b>Questions for Oral Answer.....</b>	<b>1545</b>
The size and health of the banking sector – Initiatives to bolster .....	1545
Current illegal drug policy – Liberalisation or amendment of criminal convictions .....	1547
Selection at 11 – Teachers’ survey .....	1548
<b>Billet d’Etat XIX.....</b>	<b>1551</b>
I. Election of members of the Ladies’ College Board of Governors – Dr Elizabeth Short, Deputy Heidi Soulsby and Mrs Catharine Walker elected .....	1551
II. Election of members of the Scrutiny Management Committee – Mrs Gill Morris and Mr Richard Digard elected .....	1553
<i>The Assembly adjourned at 11.08 a.m. and resumed its sitting at 11.20 a.m. ....</i>	<i>1556</i>
Guernsey Police Complaints Commission – Report for the period from July 2011 to July 2015 – Proposition to debate the Appendix to Billet d’État XIX approved.....	1557
Projet de Loi .....	1558
III. The Interpretation (Bailiwick of Guernsey) Law 2016 – Approved .....	1558
Ordinances.....	1559
IV. The Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2016 – Approved.....	1559
V. The Access to Neighbouring Land (Guernsey) Law, 2016 – Approved .....	1559
Statutory Instruments Laid Before the States .....	1561
The Companies (Guernsey) Law, 2008 (Amendment of Part XVIA) Regulations, 2016; The States (Reform) (Transfer of Functions) Regulations, 2016 .....	1561
Guernsey Police Complaints Commission – Report for the period July 2011 to July 2015 noted.....	1561
Managing the implications for Guernsey because of the UK’s changing	

relationship with the EU – Debate commenced .....	1567
Welcome to Secretary General of Commonwealth Parliamentary Association, Mr Akbar Khan.....	1568
Managing the implications for Guernsey because of the UK’s changing relationship with the EU – Debate continued – Proposition carried .....	1568
Schedule of future States’ business – Proposition carried .....	1569
<i>The Assembly adjourned at 12 p.m.</i> .....	1569

PAGE LEFT DELIBERATELY BLANK

# States of Deliberation

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

[THE DEPUTY BAILIFF *in the Chair*]

## **PRAYERS**

*The Greffier*

## **EVOCATION**

## **CONVOCATION**

**The Deputy Bailiff:** Good morning, Your Excellency, and welcome to this meeting of the States of Deliberation.

5 **The Greffier:** Billet d'État XIX. To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday 29th June 2016 at 9.30 a.m. to consider the items listed in this Billet d'État, which have been submitted for debate.

## **The Procureur – Relief of warrant**

**The Procureur:** Just on a housekeeping point, sir.

10 **The Deputy Greffier:** Yes, Mr Procureur.

**The Procureur:** As most people will know, Her Majesty the Queen has been graciously pleased to relieve me of my warrant with effect from 30th September this year – at my request, I should add – but just for information I am still here for the next few months.

15

**The Deputy Bailiff:** Thank you, very much, Mr Procureur. I am sure everyone will appreciate that and make use of your good services in the meantime.

**STATEMENTS**

**Response to the result of the UK's EU referendum –  
Statement by President of Policy & Resources Committee**

**The Deputy Bailiff:** The first thing, Members of the States, today, is a Statement from the  
20 President of the Policy & Resources Committee, Deputy St Pier, on the response to the result of  
the UK's EU referendum.  
Deputy St Pier.

**Deputy St Pier:** Thank you, sir.  
25 I am grateful to you for allowing me to make a Statement on this important topic, irrespective  
of when the Assembly debates the policy letter, which has now been lodged at The Greffe.

It is important that our response is placed on record. If and when anyone edits and updates  
'1066 And All That', the 23rd June will surely go down in annals as an historic day; all the more so  
if subsequent events prove it to have been the fuse which ignited the break-up of the United  
30 Kingdom and/or the breakup of the European Union. In the referendum, where the Leave  
Campaign of course secured a narrow victory ... and it is a result that many are still trying to  
understand, and it will have far reaching consequences for the UK.

Whilst it was a major decision for the UK, it was not a decision about Guernsey or the other  
35 Crown Dependencies. We are not a part of the EU and we are not a part of the UK. We are a third  
country for many of our trading relationships with the EU. However, under Protocol 3 of the UK's  
1972 Accession Treaty to what was then the EEC, the European Economic Community, Guernsey is  
part of the EU customs territory. The UK is, of course, also our largest trading partner.

This means that we will not be immune to the consequences of the decision that the UK  
40 electorate have taken. The Protocol 3 relationship that we have allows for free movement of  
goods with the EU and this will fall away when the UK eventually leaves the EU. The economic  
impact, because of the change in trading relationships that the UK, our closest trading partner,  
has will also have a knock-on impact on our economy. It is too early to fully understand the nature  
and effect of that impact at this stage.

Right now there are probably more questions than answers, and there is very little merit in  
45 speculation or exploring every scenario. We know where our interests lie and we are ready to  
undertake the task that is in hand. The impact on Guernsey is limited by comparison to the  
change the UK will need to go through in order to leave the EU. We offer stability from the  
political tsunami that is engulfing the UK right now following this referendum and any economic  
slowdown that may follow.

It will be a priority to ensure that we have the resources and expertise to devote to the  
50 necessary engagement with the UK in order to protect our interests. As much as is possible, we  
have prepared for this eventuality. However, we must be aware that the work that is now required  
to be undertaken will distract us from the ability to deliver some of our other goals. We have  
limited resources, and we will be taking stock of these to ensure that the appropriate skills are  
55 deployed. Pending the development of an objective prioritisation process as part of the Policy &  
Resource Plan, I think it is self-evident that the proper handling of this issue is now our top  
priority.

Whilst we only have limited levers with which we can influence our economy, we can manage  
60 our trading relationships. Our trading relationship with the UK predates Protocol 3 and is unlikely  
to change. We can look to replace Protocol 3 with some other arrangement, but this will depend  
on what the UK decides to do in respect of its own relationship.

In order to ensure that we have the mandate and have made a clear declaration of what  
Guernsey intends to achieve, a policy letter was approved by the Policy & Resources Committee  
on Monday and was lodged with the Greffe on the same day.

65 We are clear in our objectives – the *status quo* for our relationships. We need to ensure we  
engage with the UK to protect our interests in its exit agreement, replace Protocol 3, and protect  
our constitutional relationship with the UK. However, we can also look for new trade deal  
opportunities. This may include extending the UK's membership of the World Trade Organisation  
to Guernsey or looking at any deal the UK might obtain to provide preferential market access  
70 agreement and services. Where there is change there is risk but there is also opportunity. (**A  
Member:** Hear, hear.) By being prepared, we can embrace opportunity.

Sir, I would like to reassure those EU nationals, and indeed non-EU nationals, lawfully resident  
in Guernsey and contributing to our community and economy that they have nothing to fear and,  
more than that, they are welcome here! (**Several Members:** Hear, hear.) Nothing will change  
75 overnight for them or for our residents in the EU; there is a common interest among EU Member  
States to ensure the right long-term outcome on this issue. That is why we will be engaging with  
the UK on this issue on its exit agreement.

Whilst this policy letter has yet to be debated, work has already commenced. So far I have had  
a conference call with the Chief Ministers of the Isle of Man and Jersey. This was a good  
80 opportunity to re-confirm that we are all on the same page and we all want the same thing; and  
that the islands must and will work closely together to ensure that the many issues which are  
common and shared between us are well represented and protected.

Following this, as Members know, I wrote to the UK Prime Minister, along with the Chief  
Ministers of the other Crown Dependencies, to highlight what the islanders are seeking to achieve  
85 in terms of trading relationships. I have also spoken with Lord Faulks, the Minister of State at the  
Ministry of Justice. The Minister said that he wished to reassure Guernsey that he and the Ministry  
of Justice wanted to ensure that Guernsey's position was properly represented and that he  
regarded this as part of his role and that of his Department. He emphasised the importance of  
recognising and preserving our constitutional position. Officers are also working closely with the  
90 UK Government and our Crown Dependency counterparts. The Prime Minister has also confirmed  
in his Statement to the House of Commons on Monday that the Crown Dependencies would need  
to be consulted, and this early recognition of our position is to be welcomed.

I have already had a call with Scotland's First Minister, Nicola Sturgeon. The First Minister said  
that Scotland wished to maintain a dialogue through the exit process with Guernsey.

95 On Monday, Deputy Le Tocq represented Guernsey at a reception in the UK Parliament hosted  
by the All Party Parliamentary Channel Islands Group, timed to provide an opportunity to  
highlight the need to ensure that the UK Parliament is aware of our interests.

I have also started planning a visit to Brussels later this year in order to ensure that the EU  
institutions are made aware directly of our trading relationships, priorities and interests.

100 We are, and will continue to work with others who have shared interests, including of course  
the other Crown Dependencies and the other members of the British-Irish Council. It is possible  
that the British-Irish Council will meet again before its next scheduled meeting in November. We  
are also liaising closely with Alderney and Sark.

We have much better connections with Whitehall, Westminster, Brussels and other jurisdictions  
105 in 2016 than in 1972. We have invested in our relationships which will assist us in the coming  
weeks, months and years.

Whilst there is no clarity, we have prepared for this scenario. Now is not a time to panic, it is a  
time for cool, calm reflection of the options – and effective leadership. I am confident that this  
States can, and will, provide that leadership to ensure that our interests are properly represented  
110 and protected.

I thank the Members of the States for their support in this matter so far. I look forward to  
debating the policy letter in this Assembly and working together to meet the challenges that lie  
ahead.

115 Sir, finally, this referendum has highlighted the uncertainty which exists elsewhere; the political  
and economic risks which exist elsewhere; the international tensions in geopolitics and the cancer  
of international terrorism which plagues parts of our world; and which has reared its ugly head

once again this morning in Istanbul. In what seems like an increasingly unstable world we are, and I am confident we will increasingly be seen to be what we are: an oasis of stability – a safe haven. We are a safe haven for financial services – in or out of the EU; we are a safe haven physically for those who want to relocate here – or even just holiday here in peace and quiet; we are a safe haven for the rule of law and our jurisprudence; we are a safe haven for data, particularly outside the United States and the EU; and for all our political and fiscal challenges and the vagaries of our political system, we offer political and fiscal stability too. A safe haven: that is our USP; our unique selling proposition. It is this which I hope becomes the single steady and loud drumbeat from every Member of this Assembly; from every business and every business representative body; from our regulators, the Alderney Gambling Commission and the Guernsey Financial Services Commission; from our promotional agencies *VisitGuernsey*, Guernsey Finance and Locate Guernsey. We are a safe haven, we are open for business and we welcome you. (**A Member:** Hear, hear.) (*Applause*)

**The Deputy Bailiff:** Does any Member have a question to ask of the President of the Committee, within the context of that Statement?  
Deputy Gollop.

**Deputy Gollop:** Yes, recently I read a very interesting article by a former Minister of this States, Deputy Peter Gillson, who, like our President, emphasised that we have strong bilateral relationships with European countries.

Would the President be able to say that his team will continue to look at extending those when necessary in order to safeguard our digital, financial and other industries, if and when the UK exits the European Union?

**The Deputy Bailiff:** Deputy St Pier.

**Deputy St Pier:** Yes.

**The Deputy Bailiff:** I do not see any other Member rising.

#### **Update on public service reform and transformation agenda – Statement by the President of the Policy & Resources Committee**

**The Deputy Bailiff:** We will move on to the next Statement in this portion of the meeting, which is also from the President of the Policy & Resources Committee, Deputy St Pier, and is an update on public service reform and transformation agenda.

**Deputy St Pier:** Sir, at the last meeting of the States of Deliberation, I set out our economic and fiscal position, up to the end of the first quarter of this year. I also set out the steps that we are taking, in order to meet the challenges that we face in meeting budget in 2016, and that of course came up in yesterday's debate on the 2015 Accounts.

I undertook to keep the States regularly updated on our fiscal position and I can reassure Members that the Policy & Resources Committee is committed to take such steps as are necessary to ensure the best possible outturn for this year.

The message, I hope, was clear: expenditure restraint, the delivery of reform and economic growth must take priority.

The transformation agenda of the public service is one of the foundations for that. As Members have already been advised, Policy & Resources have agreed that I will provide the political leadership for the transformation agenda, and, in that capacity, I will – as with the fiscal



position – and with your consent, sir – continue to keep the States regularly updated as to its progress. That is the purpose of this Statement.

165 Last autumn the States of Deliberation unanimously endorsed the public service reform framework that had been set out by the leadership of the public service, and in the autumn of this year the Policy & Resources Committee will provide an update on that work.

That work is vital, for well-understood reasons. By changing the way that we deliver services, we can make them more sustainable, so better meeting the long-term needs of our community;  
170 we can reduce costs and remove duplication; and we can support growth in the economy.

That is why I want to clarify, briefly and early in the new term ahead of the scheduled autumn update, where we are with this transformation agenda and what the next steps will be.

It is important to recognise that a significant amount of work has already been undertaken over the course of 2016 to date in order to deliver Civil Service reform. This was vital to support  
175 and prepare for the changes to the Machinery of Government that were implemented as a result of the recommendations of the States' Review Committee.

The move since 1st May to fewer offices, and with clearer distinctions between political leadership and operational accountability, has been supported by changes in the structure of the Civil Service.

180 The Policy & Resource Plan that we are developing must establish stronger cross-committee working, joined up policy development, joined up service delivery, and prioritisation.

The broader public service reform work, the transformation of our Island's public services, is essential to delivering the more effective Government, and the Civil Service is providing the leadership required in order to deliver that.

185 It is also essential that the public service reform work reduces cost, a point that the Civil Service leadership and the Policy & Resources Committee have discussed and are agreed upon.

With that in mind, the Policy & Resources Committee has agreed a set of target reductions in spending for the public service reform work to deliver over the period 2017-2019 inclusive. The Civil Service leadership have advised and agreed that, in their opinion, these targets are  
190 reasonable and that the States, as an organisation, are ready and capable of delivering them. I would therefore hope and expect this to be reflected in the advice which Committees receive from their officers.

In 2017 cost reductions of 3% in real terms will be sought from committee budgets excluding Health & Social Care and the formula-led budgets that equates to about £5 million to £6 million  
195 of around £200 million spending. In 2018 reductions of up to a further 5%; and the same again – up to a further 5% – in 2019. We have spoken to the Principal Committee Presidents to update them on these public service reform targets. More detailed engagement will now need to take place to agree the position with each Committee.

200 These reductions in cost will be delivered as part of service transformation, which will operate at four different levels.

The first level – the highest level – is the systematic review and re-design of services. This is focused on a number of significant areas.

In February 2016 the then Health & Social Services Department, the Policy Council and the Treasury & Resources Board agreed a high-level programme and objectives for the  
205 transformation of health and social care services. The work on this programme has enabled the Committee for Health and Social Care and their senior civil servants to develop and agree the so-called 'critical success factors' – in other words, the measures for success – for a transformed health and social care service.

This is a long-term piece of work with a policy letter expected before the States in the second  
210 half of 2017. This policy letter will set out the preferred model and the specific activities, timelines and costs for its delivery. It is a major undertaking and needs strong and effective planning and governance. Collectively, we the States as a whole must co-own the problem in order that Health & Social Care services can solve it.

215 Another longer-term initiative, the Contribution and Taxation Services Programme, has already started and the next steps in this initiative were agreed by the then Social Security and Treasury & Resources boards in March 2016. Work is now underway to develop a combined collections function for Social Security contributions and Income Tax payments, focused on removing duplication, reducing costs and improving the experience for Islanders and businesses as users of those services. Again, as well as this longer-term work to develop new service delivery models, 220 delivering improvements within our existing services remains a priority.

Work is also ongoing to complete the systematic review and re-design of the operational service areas within the Committee for Home Affairs, through the Home Operational Services Transformation Programme, or HOST, with the business case for the transformation of services due by the end of this year.

225 In addition to this, a framework for the digitisation of Government services, which will support the transformation objectives, is being developed for consideration by the Policy & Resources Committee in due course.

The second level of transformation is piloting new ways of working. This includes making better use of technology, to allow us to use the States' property estate more smartly, to reduce costs and improve services. 230

In my Statement to the Assembly last month, and in the debate yesterday on the 2015 Accounts, I highlighted the importance of maximising our assets through the States' Trading Supervisory Board, and our estate is one of our assets.

This transformation work stream supports the maximisation of our assets and I am pleased to tell Members that the Policy & Resources Committee has been informed by the Chief Executive that by the end of 2017 the States will have moved out of two of its current sites, consolidating services and staff in other buildings; reducing costs, reducing duplication and improving the way that services are delivered, supporting more joined up working across Government. Those sites have yet to be finalised and options are being actively considered at this stage. I expect them to be confirmed when the States is updated on public service reform in the autumn. 240

The third and fourth levels of transformation are service improvement projects that each Committee will consider, and the incremental changes and continuous improvements that are made to services every day by staff. The importance of making 100 small changes is often highlighted, and some of these fall into the category – small, quiet, cost neutral changes that are made on an ongoing basis, and which improve access to services and the way that they are delivered. These areas will be critical in achieving the proposed savings target for 2017 and when the Policy & Resources Committee reports back later this year, we will also give examples of the benefits of work in these areas as well. 245

There is, then, significant activity being undertaken in transformation. Much of it over the past 12 months has been in relation to two things: Civil Service reform, to support the new system of Government; and putting in place the building blocks for the next significant steps. 250

I want to add, finally, that the transformation and public service reform agenda will not be happening in a vacuum. There will, and must, be clear and explicit links between the priorities of the Policy & Resource Plan, our transformation agenda and activities, and our capital investment programme; and through this integrated approach we can ensure that it meets the needs of our community in the long-term. 255

Thank you, sir.

**The Deputy Bailiff:** Thank you, Deputy St Pier.  
260 Are there any questions in the context of that Statement?  
Deputy De Lisle.

**Deputy De Lisle:** Sir, many will be trying to piece together the multiple objectives and top priorities of the current Government, in terms of the public sector reform and transformation agenda being a top priority. He mentioned economic growth being a top priority, and now we 265

have got Brexit being the top priority and I am concerned about delivery of all our priorities, with limited resources, and our targets to cut spending.

Does the Minister agree with me that we need to ensure that the gross revenue expenditure, which increased by £18.6 million in one year, 2015, would not be repeated this year? That is a concern that we carry out all these priorities –

**The Deputy Bailiff:** Thank you, Deputy De Lisle, your time is up.  
Not the Minister but the President, to answer that question.  
Deputy St Pier.

**Deputy St Pier:** Thank you, sir.

I agree, we have a range of different challenges and priorities, and that of course is why we need the prioritisation process through the Policy & Resource Plan, but I absolutely agree that with the challenges which Deputy De Lisle identified, sir, and in particular the need to contain expenditure this year, which has been addressed both in this Statement and the prior Statement, and the longer-term challenges, I think I cannot disagree.

**The Deputy Bailiff:** Deputy Parkinson.

**Deputy Parkinson:** Thank you, sir.

Could the President advise the Assembly whether there is any proposal before Policy & Resources to renegotiate the terms of employment of public sector workers and specifically civil servants?

**The Deputy Bailiff:** Deputy St Pier to reply.

**Deputy St Pier:** Sir, as Deputy Parkinson will know, of course, there has been significant progress made in relation to terms and conditions around pensions, albeit that, as I am sure he is aware, there is a challenge to that which obviously needs to be considered.

In relation to other changes to terms and conditions, I think the Policy & Resources Committee has engaged with the senior leadership of the States, particularly in relation to the situation where staff move roles, and there are opportunities perhaps to ensure greater flexibility and that needs to be reflected in terms and conditions.

In terms of the wider reform of terms and conditions, yes, I can confirm that that is part of the transformation agenda that was identified in the Public Service Reform Programme that came before the States last November, so it is part of the longer-term reform.

**The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Thank you, Mr Deputy Bailiff.

In his Statement, the President of Policy & Resources set out the percentage spending cuts to be expected across the Principal Committees, including Health & Social Care, which I have to say I regard as – (*Interjection*) excluding, okay, thank you very much. I was not quite clear whether those percentages also apply to Policy & Resources, and could I just have a confirmation that they do?

**The Deputy Bailiff:** Deputy St Pier.

**Deputy St Pier:** Yes, to be quite clear, it was 3% real terms cut for all Committees except Health & Social Care and the formula-led budgets. So it would include Policy & Resources.

**The Deputy Bailiff:** Deputy Gollop.

320 **Deputy Gollop:** Sir, the President identified the key message that will be advised to the  
Committees by the relevant Chief Secretary, officers to the boards, but what will be the political  
role of the Policy & Resources Committee in helping to co-ordinate this ultimate cut in  
expenditure? Will P&R members be delegated to assist the political Committees in the absence of  
a Policy Council?

325 **The Deputy Bailiff:** Deputy St Pier to reply.

**Deputy St Pier:** Sir, as I reflected in my Statement, there is now a requirement for political  
engagement with the Committees in relation to this issue, and I would expect Policy & Resources  
to absolutely be at the centre of that, given their role mandate.

330 **The Deputy Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, just for clarification, can the President of Policy & Resources confirm that  
the health and social care service will have a cut of over £2 million in 2017?

335 **The Deputy Bailiff:** President to reply. Deputy St Pier.

340 **Deputy St Pier:** Sir, yes, in relation to Health & Social Care, the transformation of Health &  
Social Care and the targets which have already been expected for that Committee, I think follow  
the work that was done last year, so in a sense nothing has changed for Health & Social Care in  
terms of their journey, and their expected journey, given the additional resources which were  
given last year. There is no change to that particular plan for that particular Committee. I hope  
that answers the President's question.

345 **The Deputy Bailiff:** Deputy Fallaize.

**Deputy Fallaize:** Thank you, sir.

I am not fully clear what is being set out here. Maybe it is just me. Is the proposal going to be a  
5% cut only on the staff costs element of each Committee's budget? Or will the proposal be a 5%  
reduction on Committee's cash limits?

350

**The Deputy Bailiff:** Deputy St Pier.

**Deputy St Pier:** It is 3% on cash limits.

355 **The Deputy Bailiff:** Deputy Kuttelwascher.

360 **Deputy Kuttelwascher:** Sir, because of the development in the recent past – Brexit and other  
things – and the state of our current revenue streams, would it be possible to consider  
accelerating the delivery of all these transformation programmes and have a timeline of say five  
years and not 10 years?

**The Deputy Bailiff:** Deputy St Pier.

365 **Deputy St Pier:** The acceleration of the programme of reform, I think, was a matter which  
came up in yesterday's debate as well and it is something which I think many people, including  
myself, have turned our attention to. I think the reality is we have to ensure that reform can be  
delivered and therefore it is a realistic time frame.

So certainly that is part of Policy & Resources Committee's challenge to ensure that reform is  
delivered over a realistic time frame, but in terms of concertinaing it to a particular period, I would

370 not like to say at this point, but we are very cognisant of that point and I think, given exactly the points Deputy Kuttelwascher raised, we are anxious that it is completed as quickly as is reasonable and practical.

**The Deputy Bailiff:** If there is a Member other than Deputy Fallaize who wishes to ask a question, because he has already asked one, then I will call them.  
375 Deputy Lester Queripel.

**Deputy Lester Queripel:** Thank you, sir.

380 Sir, I support and applaud public service reform. Following on from a point I made in my speech yesterday, when I asked the question, 'Do we have too many chiefs and not enough Indians?' I took great comfort from the answer given to me by Deputy St Pier. He explained in great detail the need to employ civil servants with the skills the Island needs. But last evening, sir, I received several calls from Islanders who still do not understand what it all means.

385 On the issue of communication, is Deputy St Pier able to give me an assurance that, in an attempt to allay concerns of many of our fellow Islanders, we raise the game regarding communicating the purpose of public service reform and why additional staff will be employed in the long run to save money – in other words, explain the spend-to-save approach to the public in greater detail?

390 **The Deputy Bailiff:** Deputy St Pier to reply.

**Deputy St Pier:** Clearly, in some areas there will be a requirement to commit resources to enable transformation to take us from A to B. That, of course, is what the transition and transformation fund was established for. At the end when we get to B, then I would absolutely expect there to be a different composition to our public service, so we will quite possibly have people doing different roles at different levels, and that I think is best illustrated by some of the work going on within Health & Social Care, and I know that the President of that Committee will perhaps best address that through her Statement and give some examples of exactly what that means.

400 **The Deputy Bailiff:** Deputy Yerby.

**Deputy Yerby:** Sir, a 3% reduction in cash limits is significant, and will probably require policy choices; yet, as I understand it, these targets have been agreed at an operational level. How will the two be reconciled in cases of conflict?  
405

**The Deputy Bailiff:** Deputy St Pier to reply.

410 **Deputy St Pier:** Sir, well, as I say, it will be incumbent on Committees to engage with Policy & Resources in addressing those challenges; and that, I think, is the next stage in terms of the dialogues required. But, as I say, the advice that Policy & Resources Committee have received is that the leadership believe it is achievable and will not present undue challenge to the organisation. But that will clearly have to be reflected in the advice and considerations of each Committee, in their own dialogue with their own officers and then in dialogue between those  
415 Committees and Policy & Resources.

**The Deputy Bailiff:** Deputy Brehaut.

420 **Deputy Brehaut:** There is usually a focus on the Civil Service when questions like this are posed. But I just wanted to talk specifically about the public sector and transformation with the Home Affairs Department. We currently have an Airport Fire Service and a Town Fire Service. I

appreciate it may be difficult to give any detail, but in the future is it likely we could dual train firemen and have them working in a consolidated manner and not on shift patterns that have their origins in the 1980's and 1990's?

425 Thank you.

**The Deputy Bailiff:** Deputy St Pier to reply.

430 **Deputy St Pier:** Sir, I think it is difficult for me to comment meaningfully on a particular example like that, which is clearly outside the brief of Policy & Resources and sits with another Committee, but I think it is an example of the kind of challenge which absolutely I will be expecting Committees to be considering.

435 **The Deputy Bailiff:** Deputy Fallaize.

**Deputy Fallaize:** Thank you, sir.

Clearly, the Policy & Resources Committee cannot just impose new cash limits on Committees so they are going to have to put these proposals in the Budget, and Committees have discretion to use their cash limits how they see fit. So is the President of the Policy & Resources Committee able to confirm that, in the event that any Committee is unable to deliver its share of the cuts through public sector transformation and reform, it will have no option but to cut elsewhere in order to remain within what will be a global cash limit? In other words, those could lead to cuts in services.

445 **The Deputy Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, I think that is another version of the question that Deputy Yerby asked.

I think that is precisely the work that now needs to be undertaken by Committees with their officers to understand what this would mean for them, and then to engage with Policy & Resources so that we can consider the position overall. The deliverability of this at the global level, it has been confirmed, as I said, repeating myself ... the leadership believe it is possible. We now need to drill down to the next level and engage in that level of consideration, and what impact it would have on both policies and service delivery, and take that into account as part of the Budget recommendations which will come back to the States later this year.

455

**The Bailiff:** Deputy Lester Queripel.

**Deputy Lester Queripel:** Thank you, sir.

460 I am not quite sure if Deputy St Pier answered yes or no to my question. I apologise if he did. It seems to me we need to explain the reason for public service reform in greater detail to the public to allay their concerns.

465 Sir, perhaps he did give me an assurance in his answer, but can he perhaps reaffirm that: that we will raise the game regarding communication with the public to explain to them why the need public service reform was necessary, and in greater detail? That is my concern, sir; otherwise Islanders still will not understand why we are doing what we are doing.

**The Deputy Bailiff:** Deputy St Pier. I think there was a question in there, but ...

470 **Deputy St Pier:** Sir, yes, I think perhaps I probably did not answer the question that Deputy Lester Queripel asked earlier. But, yes, I think I acknowledged that we need to carry the community with us through this transformation journey, that does involve clearly explaining what is going on and why. Clearly, this kind of opportunity is part of that process, not the end of it – clearly. But it is part of the process and, as I say, the Committee is committed to providing this

475 Assembly regular updates. But the wider point that Deputy Queripel does make, I absolutely  
acknowledge and would seek to ensure that that is properly reflected in the work as it progresses.

**Membership of the BEPS inclusive framework –  
Statement by the Vice-President of the Policy & Resources Committee**

**The Deputy Bailiff:** There being no further questions from Members on that Statement, we will move the third Statement this morning, Members of the States, and this is from the Vice-President and Lead Member on international business affairs of the Policy & Resources Committee, Deputy Trott.

480 Deputy Trott, on the subject of Guernsey joining the Base Erosion and Profit Shifting inclusive framework as an associate.

**Deputy Trott:** Spot on, sir. Thank you.

485 Sir, in an increasingly connected world, national tax laws have not always kept pace with global corporations, movement of capital and the rise of the digital economy. This has left gaps and mismatches that can be exploited to generate double non-taxation.

Base Erosion and Profit Shifting – or BEPS – refers to tax planning strategies that exploit these gaps and mismatches in tax rules to artificially shift profits to low or no tax jurisdictions, where there is little economic activity, resulting in little corporate tax being paid.

490 In December 2015 the Policy Council established a BEPS working party to assess the OECD's October 2015 action plans in relation to BEPS.

495 The working party is chaired by Guernsey's former Treasury & Resources Minister, Deputy Gavin St Pier, now of course President of Policy & Resources, and comprises myself as Vice-President of the P&R Committee and Chairman of Guernsey Finance, as well as tax professionals and representatives of the Institute of Directors and the Guernsey Society of Certified and Chartered Accountants. Representatives of the Guernsey Financial Services Commission are also participating in the working party.

500 Over the first part of 2016, work has focused on assessing the potential impact of the OECD action plans on the different sectors which comprise Guernsey's finance sector. This has drawn on the views of members of representative bodies such as the Guernsey International Business Association, the Guernsey International Insurance Association, the Guernsey Association of Trustees, the Guernsey Investment Funds Association and the Association of Guernsey Banks.

The working party has been able to arrive at a number of views that will help to inform the work that it does.

505 Firstly, that Guernsey is already largely compatible with the BEPS agenda and is focusing on identifying opportunities for business, whilst acknowledging that there will be some challenges. Guernsey's finance sector model and regulatory framework is not conducive to the Island being exploited for base erosion and profit shifting and so ensures equivalent outcomes to those the OECD is seeking to secure.

510 Secondly, Guernsey can maintain stability and competitiveness as well as a commitment to any new international standards.

515 Thirdly, that Guernsey businesses are already actively considering how to respond to the new global standards that the BEPS agenda will establish; and that the States, through further consolidation and consultation with industry, will actively play its part in that through putting in place appropriate legislation and regulatory policy.

Fourthly, that the BEPS agenda is one that Government and businesses in Guernsey support, and will demonstrate that support through the new P&R Committee being recommended to formally commit to country by country reporting in 2016.

520 The OECD has agreed a new framework, sponsored by the G20 governments, which will allow all interested countries and jurisdictions to work jointly for the implementation of the package of measures against BEPS.

525 This framework will bring together all interested countries and jurisdictions as 'Associates' on an equal footing with OECD and G20 countries in the OECD's Committee on Fiscal Affairs to develop international standards relating to BEPS and to review and monitor the implementation of the whole BEPS package.

The OECD has invited Guernsey to join the inclusive framework as an Associate for the implementation of the OECD/G20 BEPS Project. The BEPS Project is expected to last until December 2020.

530 Sir, the Policy & Resources Committee has approved the commitment to the OECD project on its Base Erosion and Profit Shifting Project. This means that, as an Associate, Guernsey is committed to the consistent implementation of the comprehensive BEPS Package including its four minimum standards. Guernsey will also be expected to contribute actively to the project, including through policy dialogue and information exchange.

535 Sir, we will also be required to contribute a membership fee of €20,000 from 2017 onwards.

Sir, we look forward to contributing to the BEPS Project.

Thank you.

**The Deputy Bailiff:** Right, any questions from Members in the context of that Statement?

540 Deputy Kuttelwascher.

**Deputy Kuttelwascher:** Sir, Deputy Trott mentioned that we are substantially compliant with the proposals so far, but we are obviously not fully compliant. Has Deputy Trott got any idea what sectors, in particular, might be impacted by profit shifting activities being outlawed? One in particular that I can think of is our captive insurance sector.

545

**The Deputy Bailiff:** Deputy Trott to reply.

550 **Deputy Trott:** Sir, the advice and information of those that I referred to in my Statement who have been actively involved in this process do not believe that the overwhelming majority of our industry will suffer any negative impact. There are some issues surrounding country by country reporting that do impact on a very tiny number of businesses but, again, that is entirely manageable in their, and our, view.

555 **The Deputy Bailiff:** Deputy Gollop.

560 **Deputy Gollop:** Sir, I have been pleased to attend some BEPS seminars since December or January and welcome Deputy Trott's dual role, as both a lead P&R member and Chairman of Guernsey Finance. I would like to ask whether we can overcome BEPS by bringing more decision makers to Guernsey.

**The Deputy Bailiff:** Deputy Trott.

565 **Deputy Trott:** Sir, this is a most welcome question, because a significant part of the BEPS initiative focuses around something referred to as substance. Guernsey is fortunate to be able to demonstrate already very significant levels of substance. We have a mature finance sector, but it is a key point, and one that links in strategically with Locate Guernsey and other initiatives that are already underway. But I stress, sir, we do not fear this initiative; once again it gives us an opportunity to demonstrate our international commitment to best standards, and Guernsey is not a place that has ever welcomed business of this type and certainly will not be in the future.

570



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

**Deputy De Lisle:** Sir, the contribution of €20,000, is that through the private sector or public sector contribution?

575

**The Deputy Bailiff:** Deputy Trott to reply.

**Deputy Trott:** Thank you, sir.

580

This is an inter-Government initiative; the €20,000 will come from existing resources and will be paid by Government.

**The Deputy Bailiff:** I do not see any other Member rising to pose a question to Deputy Trott.

**Current financial position of the Committee for Health & Social Care –  
Statement by the President of the Committee for Health & Social Care**

585

**The Deputy Bailiff:** We will move on to the final of the Statements which are on the agenda for today, and that is a Statement from the President of the Committee for Health & Social Care, Deputy Soulsby, on the current financial position of the Committee for Health & Social Care.

Deputy Soulsby.

590

**Deputy Soulsby:** Sir, I had thought about quoting Paul McCartney in, 'Yesterday, all my troubles seemed so far away', but I do not think I will. (**The Deputy Bailiff:** You just have!)

Sir, following my speech yesterday in relation to the 2015 results for HSSD, my Statement today will cover the situation for this year, the immediate action being taken and, on the back of the President of Policy & Resources' speech earlier, set out what transformation means for Health & Social Care and steps being taken to make it happen.

595

As at the end of April, we were, as Deputy St Pier said three weeks ago, looking at an overspend of up to £4.5 million. This is very much an estimate because, whilst there has been improvement in reporting as a result of new requirements put in place by the previous board, forecasting has required considerable improvement.

600

To address this, and as part of the 2016 business plan, work is underway to simplify the month end processes to ensure figures can be produced in a more timely, accurate and meaningful way. This includes ensuring that reporting from budget holders is consistent across the service. Everyone needs to understand that budgeting and forecasting is not merely the preserve of the finance function, but one which needs ownership across Health & Social Care.

605

The major causes of the overspend are, as last year, a result of the dependence on agency staff and a number of high cost off-Island acute cases and I will set out how we are trying to address these issues.

610

Members will be aware, from my speech yesterday, of the budgetary challenges of using agency staff. Recognising this impact, Health & Social Care has, this month, entered into agreements with a limited range of pre-approved agency providers. This should mean that we have the required number of agency staff but at preferential rates. However, the maximum benefits will not be felt immediately until existing contracts expire.

615

In addition to tackling the direct agency cost, two weeks ago we introduced a 'challenge and sign off' system whereby service managers must formally consider whether a vacant position is absolutely necessary. Where they believe a position does need to be filled, it will also require approval at director and chief secretary level. Now, in a care environment we appreciate the opportunities will be limited, and this clearly will not apply to hard-to-recruit areas where we are taking action to improve recruitment. However, the system is designed to ensure managers across

our services consider all options. We need to change the mind-set that we can automatically replace like with like.

620 Linked to this, we have undertaken a Skills Mix Review to ensure we have the right nursing  
staff, at the right level, better deployed to meet patients' needs. Currently, we have different  
specialisms with different terms and conditions, different ways of working and different structures.  
Work has begun to implement the recommendations of the review which should provide nurses  
with a much clearer career pathway, improve recruitment and develop qualified nurses for roles  
625 required for transformation. Moving to the appropriate skills mix will then give us more flexibility,  
which in turn will reduce the need for agency staff and potentially enable us to consider a new  
pay structure and an alternative to our agenda for change. It will not happen overnight, and is not  
in the hands of Health & Social Care alone, but the work has begun.

630 In relation to off-Island acute cases, Health & Social Care is often unaware of treatments  
undertaken until the bill arrives from the UK hospital. There is currently no requirement under the  
current secondary healthcare contract for consultants to seek Health & Social Care's approval in  
advance of committing what can sometimes be considerable costs. This does not mean that off-  
Island referrals are inappropriate, but it does mean that we have little control over our budget in  
this area. Various long-term solutions are being considered but for now work is being undertaken  
to find out why the number of cases is increasing and whether there is any short-term action that  
635 can be taken.

In other areas, the Multi-Agency Support Hub, which enables a single point of entry for child  
help and support, has started to remove duplication of work across multiple agencies involved  
with child protection. In addition, the Communities team are exploring initiatives to enable people  
to be cared for longer in their own homes, which will decrease the pressure on very expensive  
640 hospital in-patient services.

This is not an exhaustive list. Other opportunities are being actively explored, but with the  
understanding that these need to be carefully considered to ensure there are no unintended  
consequences.

645 However, we cannot get away from the simple truth that the current model of health and  
social care is unsustainable. It has been known for over a decade. It was formally acknowledged in  
the 2020 Vision five years ago, and whilst we have seen significant social policy strategies  
approved in the last States – Mental Health & Wellbeing Strategy, Disability & Inclusion Strategy,  
SLAWS and CYPP – there is little, if anything, the public will have noticed that has changed.

650 The 2020 Vision said we would be in the financial position now if nothing changed. It is in  
black and white. If we continue as we are we will see costs double by 2050. The ageing  
population, falling tax receipts, expensive technology, medical inflation, increased regulatory  
burden and increased expectations mean doing nothing is not an option.

655 And I think it is important here to make it clear that we are talking about the whole of health  
and social care costs. Whilst we have seen an increase in general revenue expenditure of 43% in  
the last 10 years, looking at the Health Service Fund, managed by Employment & Social Security,  
we have witnessed a 70% increase in secondary healthcare costs as a result of the growing  
number of consultants funded by the States. That is why the secondary healthcare contract needs  
to change.

660 We need to do things differently, consider new ways of working in a more integrated system of  
health and social care. We have a complicated mix of a system that has evolved over years as a  
result of singular decision making when what we now need is to act strategically.

665 And, with that in mind, the Committee for Health & Social Care has already begun to establish  
rules to guide it in future strategic decision making, to set priorities and to help it develop the  
structure of the new healthcare model. Due to the importance in terms of the implications for  
change and the difficult decisions that inevitably will have to be made to get to a sustainable  
model, we will be seeking endorsement of those rules from this Assembly as soon as is practically  
possible.

670 In addition, we will be looking to work more closely with Jersey. It is ridiculous that, as two very similar Islands sharing the same issues, that we replicate so much. At the end of the last term, following a meeting myself and the then Treasury & Resources Minister attended with the Chief Minister, HSSD Minister and their counterparts in Jersey, it was agreed that we would explore three areas of efficiency opportunities in healthcare provision, namely: procurement – both the commissioning of services and the procurement of general goods to get a better deal for the goods and services we need; care commission regulation, to develop a regulatory structure proportionate and appropriate to our distinct Islands' needs, and the broader considerations and approaches to Public Health arrangements. Now the Election is over, this is something we are keen to progress as quickly as we can and meetings are being planned as I speak.

675  
680 In addition to the above, Health & Social Care is currently applying, later than I would have wished, for the allocated funding from the Transformation and Transition Fund that will enable us to have the resources to get a full grip on the immediate challenges, as well as transition to the new way of working. This will include the development of a needs assessment that will be used in conjunction with the rules I referred to above, in order to redesign our model of health and social care.

685 Sir, BDO, in their report into the costing, benchmarking and prioritisation of our health and social care services, gave the following reasons why little progress has been made since the 2020 Vision was approved: lack of capacity and capability; poor information and commissioning systems; volatility of senior leadership; complexity of running acute and community health and social care; and powerful vested interests.

690 We have to overcome all these issues if we are to make transformational change and, as I will continue to say, we will only be able to do so through greater partnership and engagement within and outside the States, the resources to do it and improving communication to enable us to take staff, politicians, partners and wider public with us.

695 **The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Thank you, sir.

700 In the Statement I understood the President of Health & Social Care to say they were concerned about the fact that on-Island specialists could refer for off-Island treatment without the say so of her Department. I just want to drill down into that. I understand that the information about how many people being sent away is vital for cost control, but is there any implication in that, that if a patient is seeing a specialist in Guernsey whose clinical judgement is that that patient needs tertiary care at a tertiary centre in the UK, that that might be vetoed by her Department?

705 **The Deputy Bailiff:** Deputy Soulsby to reply.

710 **Deputy Soulsby:** Sir, no, it is not our intention to veto clinical decision making. What we need to do is get a grip on what is actually happening, and from that we can make evidence based decisions. There are instances where we think that certain say pre-operative meetings may not need to be done off-Island, and we are investigating whether things can be done differently instead of the way things have always been done in the past.

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

715 **Deputy De Lisle:** Thank you, sir.

The cost of agency staff had jumped from just over £1 million in 2014 to a phenomenal £4.6 million last year. With the changes that the Deputy is mentioning to be brought forward, what is the anticipated budget for agency staff in going forward to 2016 and on?

720 **The Deputy Bailiff:** Deputy Soulsby to reply.

**Deputy Soulsby:** Sir, as I said, we have a delay. The full impact of what we are doing will not kick in immediately because there are contracts already in place. So it will be a gradual process. What we are doing is hoping that at least we can put all these different initiatives together which will knock on agency staff. What we need to do at the same time is ensure that we have safe staffing levels, so that will always guide us in the number of agency staff we have.

**The Deputy Bailiff:** Deputy Kuttelwascher.

730 **Deputy Kuttelwascher:** Thank you, sir.

Deputy Soulsby, towards the end of her speech, mentioned the fact that BDO identified as an obstacle to expeditious delivery of reforms as powerful vested interests. Can you identify them?

**The Deputy Bailiff:** Deputy Soulsby, are you able to answer that question?

735 **Deputy Soulsby:** I am not going to name them – the various parties – but there are people throughout the organisation who would probably prefer things to remain the same as they are.

**The Deputy Bailiff:** Deputy Dudley-Owen.

740 **Deputy Dudley-Owen:** I am concerned that the recent midwifery review may have led to the over medicalisation of the birth process and, as a result of this, that the level of risk midwives are prepared to take has diminished. The question that I would like Deputy Soulsby to answer is in relation to whether C-sections have increased since the review.

745 **The Deputy Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, I do not think that arises from my Statement.

750 **The Deputy Bailiff:** Yes, I think that is probably right and therefore you would give an inaccurate or misleading answer.

Deputy Dudley-Owen, that is a question that you can pose to the President of the Committee for a Written Answer perhaps in the first instance.

Deputy de Sausmarez.

755 **Deputy de Sausmarez:** Sir, the President of Health & Social Care referred to the secondary health care contract. Can she please give us an update as to the timelines, as it has, obviously, a financial implication?

Thank you.

760 **The Deputy Bailiff:** Deputy Soulsby, are you able to answer that question?

**Deputy Soulsby:** Sir, I can say that there will be a release in a few days, I believe, setting out what the current position is.

765 **The Deputy Bailiff:** Deputy Brehaut.

**Deputy Brehaut:** Thank you, sir.

770 In her Statement, Deputy Soulsby referred to the Beatles and 'Yesterday'. I think perhaps the 'Long and Winding Road' or perhaps 'Help' may be the more relevant song! (*Laughter and interjection*) 'Let it be' – please, I have only got a minute. (*Laughter*) I hope you disregard that, sir.

775 The President spoke of a care environment, skills mix and the safe staffing levels; can she please confirm today that, in the interests of good clinical practice and safety within ward environments, Carey Ward has been reduced in beds for that reason because of what is becoming an acute staff shortage, in particular 10½ full-time equivalents on one ward?

Thank you.

780 **The Deputy Bailiff:** Deputy Soulsby, can you help Deputy Brehaut by answering that question?

**Deputy Soulsby:** Sir, well it does not arise from my Statement, but bearing in mind that I was aware that Deputy Brehaut had some concerns in this area, I can inform you that those are not the reasons why the changes have been made – and from our Chief Nurse who we rely on to make proper clinical decisions. The merger of the Brock and Carey Ward is enabling us to undertake some much needed Estates work.

785 Carey Ward has had a leak that has put a whole bay out of action, which is being repaired. It is a carefully planned merger which also allows us to make the best use of nurse staffing, and within this – I would go on, but I think I have only got one and half minutes, haven't I? Total number of beds on Brock and Carey Ward is 32, previously 38. We have done this in the summer when there are fewer acute medical admissions.

790 We have also increased the number of beds on Le Marchant Ward by four, to ensure that we do not impact on surgery. So in total there has been a reduction of two beds. We have not reduced the full-time equivalents on the wards, but we did have some sickness and vacancies which we have been covering with bank and agency. We staff the wards according to the needs of patients, which means staffing can fluctuate according to patient need.

**The Deputy Bailiff:** Deputy Gollop.

800 **Deputy Gollop:** I would like to ask the President: has herself and the new team and the new Committee committed themselves to, hopefully, strengthening in one way or another the human resources, recruitment and retention team, at the hub of health and social care, in order to maximise efficiency and recruitment and retention of nurses, social workers and other key personnel?

805 **The Deputy Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, Deputy Gollop may have forgotten that the package that included over £3 million that was approved last year included three new HR people to do just that.

## Questions for Oral Answer

### COMMITTEE FOR ECONOMIC DEVELOPMENT

#### The size and health of the banking sector – Initiatives to bolster

810 **The Deputy Bailiff:** Members of the States, we will now move into Question Time and the first Question is from Deputy De Lisle to the President of the Committee for Economic Development. Deputy De Lisle.

**Deputy De Lisle:** Thank you, sir.

815 The size and health of the banking sector continues to contract with deposits shrinking and full-time equivalent staff falling. There are also concerns with regard to intra-group outsourcing overseas and the loss of staff positions locally as a consequence.

What initiatives is the President of Economic Development going to take to bolster the size and health of the Bailiwick's shrinking banking sector?

**The Deputy Bailiff:** Deputy Ferbrache to reply.

820

**Deputy Ferbrache:** Thank you, sir, and thank you for the Question.

825 Now, whilst the banking sector across the Crown Dependencies has seen retrenchment since the credit crisis, the number of licensed banks on the Island over the last four years has remained relatively stable and currently is at 29. The outsourcing of functions by local banks of course, is, and will remain, a decision for each institution to be made in accordance with their own local and group policies. This is not something the States can directly affect or effect.

830 The Committee for Economic Development is committed to the following objectives set out in the Guernsey Financial Services – A Strategy for the Future document which reflects the existing intention to increase the number of banking licences by between two and four by 2019. We are currently a little way towards meeting this target with the granting of a banking licence to FirstRand Bank Ltd in 2014.

The Committee for Economic Development has been treating the support and growth of the banking sector as a priority and the Committee is considering various options which are at different stages of development.

835 They include: researching the opportunities for a Guernsey Savings and Loans Bank; active efforts to encourage and facilitate banks, which do not currently have a presence in Guernsey, to open branches here; and, thirdly, the ongoing assistance we are providing to the private sector to create indigenous banks which follow both established and alternative banking models such as peer to peer lending

840

**Deputy De Lisle:** Can I ask a supplementary on that, sir?

**The Deputy Bailiff:** Deputy De Lisle, supplementary question.

845 **Deputy De Lisle:** I thank Deputy Ferbrache for those words of reply, but the Deputy says the number of licenced banks on the Island over the last four years has remained relatively stable; how can that be, when the number of licenced banks according to the GFSC has declined from 35 to 29 in those four years – a loss of six banks; two of those last year in 2015, with a further loss of jobs? This is not, surely, a relatively stable situation, is it?

850

**The Deputy Bailiff:** Deputy Ferbrache to reply.

855 **Deputy Ferbrache:** Sir, the retrenchment has been in the managed banks sector. 'Managed bank sector', for those that are not sure and those beyond this room, are those that where there is an established presence and it manages somebody else's activity. That is where the retrenchment has largely been. But, of course, I adopt the excellent – *absolutely excellent* – Statement of the President of Policy & Resources in relation to the Brexit issue, before: that these are uncertain times, and that in relation to matters that the way going forward must be a positive one rather than a negative one.

860

**A Member:** Hear, hear.

**Deputy De Lisle:** Can I ask one further supplementary, sir?

**The Deputy Bailiff:** Deputy De Lisle, supplementary.

865

**Deputy De Lisle:** The numbers of full-time equivalent staff continue to fall – largely the result of outsourcing jobs to South Africa, Malaysia, India and Ireland; trained staff are being laid off after training people from these countries to do their jobs. Should we not be looking after the jobs we have, as well as seeking to attract and establish new banks here?

870

**The Deputy Bailiff:** Deputy Ferbrache, are you able to answer that?

**Deputy Ferbrache:** Yes, sir, and the answer is yes.

## COMMITTEE FOR HOME AFFAIRS

### Current illegal drug policy – Liberalisation or amendment of criminal convictions

**The Deputy Bailiff:** There being no further supplementary questions, we move to the second questioner, and that is Deputy Gollop, who is going to pose a question to the President of the Committee for Home Affairs.

875

Deputy Gollop.

**Deputy Gollop:** Thank you very much and, in congratulating Deputy Lowe and her new team at Home Affairs, I would like to ask the question: given the positive message and outcomes of the recent drug addiction and rehabilitation conference organised by a local senior mental health professional earlier this month, will the Home Affairs Committee be reconsidering attitudes to liberalise or amend the criminal convictions elements of current illegal drug policy in any situations?

885

**The Deputy Bailiff:** Deputy Lowe to reply.

**Deputy Lowe:** Thank you, Mr Deputy Bailiff.

Both the Committee for Home Affairs and the Committee for Health & Social Care have responsibilities for drug policy within the Bailiwick of Guernsey. The recent kick-starting of a recovery culture in the community conference was organised through the Drug and Alcohol Strategy and the Community Drug and Alcohol Team, with the objective on encouraging partnership working, looking at new ways of breaking the addiction cycle, helping, supporting and giving service users a voice to see what is currently working and what can be done to change attitudes and services.

895

It included looking at how to improve changes of recovery, consulting with the community, rather than relying on agencies which have a financial cost, peer support programmes, mentoring, and ways of reducing the harm caused by substance misuse. I am sure that both Committees will be giving consideration to the feedback from the conference, which they have not yet received.

900

With regard to the liberalisation or amendments to criminal law, the Committees do take advice from the Misuse of Drugs Advisory Group, which is a multi-agency group of key professionals from Health and Home, including the Chief Pharmacist and the States' Analyst. Part of their mandate is to monitor the local environment to look for new trends in drug misuse, and to provide guidance and advice on the changes needed in Guernsey's Misuse of Drugs Legislation. This group also works closely with the Advisory Council for the misuse of drugs in the UK.

905

**The Deputy Bailiff:** Deputy Gollop, supplementary question.

**Deputy Gollop:** I thank Deputy Lowe for her answer.

910 My supplementary would be that: in working together with the agencies and other States' Committees, will the team be considering issues such as best practice and cost benefit analysis of reducing harm and maximising rehabilitation in evaluating solutions to people with addictive and associated issues.

**The Deputy Bailiff:** Deputy Lowe.

915

**Deputy Lowe:** Thank you, Deputy Gollop.

920 That is really what has been happening all along. We continually review that. We work with Health & Social Services and the professionals, as I explained in the answer here. So I would be very disappointed if that did not already take place. But I can assure you it does take place and it will help as well having that conference and the feedback from there.

## COMMITTEE FOR EDUCATION, SPORT & CULTURE

### Selection at 11 – Teachers' survey

**The Deputy Bailiff:** There being no more supplementary questions, I am now going to turn to Deputy Fallaize to whom I have given permission to pose a Question to the President of the Committee for Education, Sport & Culture, pursuant to Rule 12.

Deputy Fallaize.

925

**Deputy Fallaize:** Thank you, sir.

930 In a survey of Guernsey teachers and lecturers – in States' schools, I should add – published on Monday, 71% of respondents said they supported the decision of the States to end selection at 11. Does the Committee for Education, Sport & Culture now accept, unequivocally, that the overwhelming majority of its own professional teachers and lecturers are opposed to selection at 11, in all forms, and will the Committee listen to this professional advice and proceed with implementing the existing States' policy to introduce all ability secondary schools from September 2019?

**The Deputy Bailiff:** Deputy Le Pelley.

935

**Deputy Le Pelley:** Thank you, sir.

940 The Committee would like to thank the teachers for taking the time to organise such a survey of their colleagues. We have just received the response from the teachers' questionnaire, and the Committee is taking this information into consideration in its deliberations around the March 2016 States' Resolutions.

945 This survey suggests that the profession within the States' schools are opposed to a form of selection. The Committee has to take the views of many stakeholders into consideration and we are looking forward to meeting the organisers of this questionnaire to understand the basis for their views.

**The Deputy Bailiff:** Deputy Fallaize, supplementary question.

**Deputy Fallaize:** Thank you, sir.



950 Is the President of the Committee able to advise the States whether his Committee is taking any other steps to establish the opinion of teachers and lecturers on this important question of selection at 11?

**The Deputy Bailiff:** Deputy Le Pelley to respond.

955

**Deputy Pelley:** Yes, indeed, sir, we have.

**The Deputy Bailiff:** Deputy Roffey.

960

**Deputy Roffey:** Related to that, can he confirm that the Department or the Committee have surveyed teachers and lecturers themselves; and, if so, can he tell us what the outcome of that survey was?

**The Deputy Bailiff:** Deputy Le Pelley.

965

**Deputy Le Pelley:** Such a survey is in the process of being done and results are being compiled as I speak.

**The Deputy Bailiff:** Deputy Ferbrache.

970

**Deputy Ferbrache:** Is the President able to inform us that he will be taking – and his Committee will be taking – consideration of any views that they want to be put in light of that survey generally to the other very important stakeholders, the parents of the children?

975

**The Deputy Bailiff:** Deputy Le Pelley.

**Deputy Le Pelley:** Yes, indeed, sir. There are many stakeholders and we will be consulting with all of them.

980

**The Deputy Bailiff:** Deputy Fallaize.

**Deputy Fallaize:** Thank you, sir.

Deputy Le Pelley mentioned his own Committee survey. Is it not true that that survey closed on Friday and that the results are now available; and if that is the case, can Deputy Le Pelley commit to publishing those results as soon as possible?

985

**Deputy Le Pelley:** We will indeed do so, sir, but there are two sets of results and I do not want to get people confused. You have asked the question on one particular set and I have answered that; the others will be published in due course and they are being readied for publication.

990

**The Deputy Bailiff:** I am not sure I have asked any questions at all, Deputy Le Pelley, when you refer to 'you'.

**Deputy Le Pelley:** I beg your pardon, sir, through you, of course.

995

**The Deputy Bailiff:** Deputy Fallaize.  
Deputy Trott.

1000 **Deputy Trott:** Sir, is the President of the ESC Committee able to confirm that in the past when all teachers have been taken into account the split was fairly even?

**The Deputy Bailiff:** Deputy Le Pelley.

1005 **Deputy Le Pelley:** I am not sure what the split was, through you, sir. We really do need to drill down into the figures, and we are in the process of doing that. We have consulted with all sorts of people during the course of the elections, but we do now need to drill down into the finer detail.

**Deputy Tooley:** May I ask Deputy le Pelley –?

1010 **The Deputy Bailiff:** Deputy Tooley.

**Deputy Tooley:** Sorry, may I ask Deputy Le Pelley when the results of that survey will be published? If not a date, what processes need to go through before the results of the internal survey can be published?

1015 Thank you.

**The Deputy Bailiff:** Deputy Le Pelley.

1020 **Deputy Le Pelley:** We are just waiting for the report that Deputy Fallaize has referred to, to be answered and then we will publish the results of the other one. We just do not want to get the two mixed up. I am sure that the results of the second one will be published within the week.

**The Deputy Bailiff:** Deputy Soulsby.

1025 **Deputy Soulsby:** Sir, I have heard about so many surveys, I am completely confused here, but one thing I have not heard is anything about an independent survey. We have had a survey *by* teachers *for* teachers, a survey by the Department for whoever it is, I am not quite sure; is there going to be an independent survey that, when it comes back we can actually rely on it and believe it is the truth? I do not want to go through what we went through in March 2016, when we could not rely on any information we were given.

1030

**The Deputy Bailiff:** Deputy Le Pelley, are you able to answer that question?

1035 **Deputy Le Pelley:** Not really. I lost track of it half way through! (*Laughter*)

**The Deputy Bailiff:** I think there is a degree of latitude here, but the question is: is there going to be an independent survey as well as the ones that have already been commissioned?

**Deputy Le Pelley:** Thank you for the clarification.

1040 I was trying to read my notes at the same time. (*Interjections*) I am very sorry if I upset a certain Deputy across the way. We will look forward to having an independent survey, of course, yes, we will – the more independent the better!

Thank you.

1045 **The Deputy Bailiff:** Well, Members of the States that now concludes Question Time. We move to the business of the Billet.

## Billet d'État XIX

### COMMITTEE FOR EDUCATION, SPORT & CULTURE

#### I. Election of members of the Ladies' College Board of Governors – Dr Elizabeth Short, Deputy Heidi Soulsby and Mrs Catharine Walker elected

*Article I.*

*The States are asked:*

*(1) To elect Deputy H. J. R. Soulsby as a member of the Ladies' College Board of Governors who has been nominated in that behalf by the Chairman, the two States-appointed Governors and the two Governors appointed by the States on the nomination of the former Education Department, to complete the unexpired term of office of Mrs. K. M. N. Richards who has been elected Chairman, that is until the 30th June 2017.*

*(2) To elect Dr. Mary Short as a member of the Ladies' College Board of Governors, who has been nominated in that behalf by the Committee for Education, Sport & Culture, to replace Mr. J. Honeybill whose term of office expired on 31st May 2016.*

*(3) To elect a member of the Ladies' College Board of Governors, who need not be a member of the States, to replace Dame Mary Perkins, DBE whose term of office expired on 31st May 2016, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation, as set out in Section 1 of The Rules of Procedure of the States of Deliberation and their Committees.*

**The Greffier:** Article I, Election of members of the Ladies' College Board of Governors.

1050 **The Deputy Greffier:** Deputy Soulsby – or are there any nominations for membership to the Ladies' College Board of Governors?

**Deputy Le Pelley:** Yes, indeed, sir.

1055 **The Deputy Bailiff:** Deputy Le Pelley.

**Deputy Le Pelley:** This has been published, but I will read it through again. The constitution of the Ladies' College Board of Governors allows for the nomination of two Governors, who need not be sitting Members of the States, who shall be nominated by the Committee for Education, Sport & Culture, for election by the States.

The term of office of Mr Jack Honeybill came to an end at the end of May this year. Mr Honeybill was one of the two Education-nominated Governors and as such Education, Sport & Culture are required to nominate a Governor in his place. Dr Short, whose details appear below – I shall refer to them below – is the Committee's nominated representative to replace Mr Honeybill.

1065 The nomination is supported by the Board of Governors at the College, who conducted a skills analysis of the Governors and identified the need for a Governor who has a broad appreciation of educational developments and a depth of experience to be a critical friend of the College, as well as a source of advice about good practice. The Committee for Education, Sport & Culture is therefore pleased to nominate Dr Short to fill the current vacancy left by Mr Honeybill.

1070 Dr Short is currently headmistress of St Helen's School, Northwood in London, a leading independent girls' day school, and member of the Girls Schools Association, which provides education for girls aged 3 to 18. Dr Short is also a team inspector for the Independent Schools Inspectorate, a member of the Girls School Association Education Committee and the Girls Schools Association's representative on the Joint Council for Qualifications.

1075 Dr Short has a degree from the University of London in Medieval and Modern History, and a  
Doctorate from the University of Cambridge. Prior to joining St Helen's School, Dr Short taught at  
City of London School, which is a boys' school, St Paul's Girls School and Haberdashers' Aske's  
School for Girls. She has variously been responsible for teaching history and politics. She has  
acted as a form tutor and head of history and more recently as deputy head with responsibility for  
1080 pastoral care, child protection, staff mentoring, co-curricular activities and university preparation,  
amongst other matters.

When reviewing the skills and experience of the Board, it was noted that, in particular, the  
current Board had no educational representation. Dr Short has a broad appreciation of  
educational developments, and a depth of experience to be a critical friend of the College and a  
1085 source of advice about good practice to the Governors. In identifying potential candidates, the  
College approached the Girls Schools Association for suggestions and has carried out a  
recruitment process, as for all Governors and colleagues, in order to meet its safeguarding  
responsibilities.

Dr Short is based in London. Board meetings are planned one year in advance to allow  
1090 appropriate diary planning for all Governors. I confirm that Dr Short is willing to stand for election  
and that I have seen a declaration of interest from the candidate, and am satisfied that there  
would be no conflict of interest if Dr Short were appointed to this vacancy.

**The Deputy Bailiff:** Is the nomination of Dr Short seconded?

1095 Deputy De Lisle, thank you.

My understanding is that there cannot be any further nominations for this particular office, Mr  
Procureur, from the Propositions; is that correct?

Well, Members of the States, I put to you the nomination of Dr Mary Short as a member of the  
Ladies' College Board of Governors. She has been proposed Deputy Le Pelley and seconded by  
1100 Deputy De Lisle. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare Dr Short duly elected.

Are there nominations ...? Well, there is a Proposition to elect Deputy Soulsby as a member,  
because she has been nominated in that behalf by the Chairman, the two States-appointed  
Governors and the two Governors appointed by the States, on the nomination of the former  
1105 Education Department; so is that nomination proposed and seconded?

**Deputy Le Pelley:** I am happy to propose her, sir.

1110 **The Deputy Bailiff:** Thank you, Deputy Le Pelley, and seconded?

**Deputy Le Clerc:** I am happy to second it, sir.

**The Deputy Bailiff:** Thank you, Deputy Le Clerc.

So, once again, I will put that nomination to you, Members of the States. Deputy Soulsby, as a  
1115 member of the Ladies' College Board of Governors, proposed by Deputy Le Pelley and seconded  
by Deputy Le Clerc. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare Deputy Soulsby duly elected.

There is now a Proposition to elect a member of the Ladies' College Board of Governors, who  
need not be a Member of the States, to replace Dame Mary Perkins DBE, whose term of office has  
1120 expired. I invite nominations.

Deputy Soulsby.

**Deputy Soulsby:** Sir, yes, I propose Dr Catharine Walker.

1125 **The Deputy Bailiff:** Thank you, is that nomination seconded?

**Deputy Le Clerc:** Yes, sir, I second that.

1130 **The Deputy Bailiff:** Thank you, very much.  
Do we need to know anything about Mrs Walker?

**Deputy Soulsby:** Sir, her CV is attached to the Billet. I sent through a report about Dr Catharine Walker and I have seen the declaration of interest and see no conflict.

1135 **The Deputy Bailiff:** Very grateful, Deputy Soulsby.

So, once again, I will put the nomination as a member of Ladies' College Board of Governors to replace Dame Mary Perkins DBE; it is Mrs Catharine Walker whose details we have attached to the Propositions, proposed by Deputy Soulsby, seconded by Deputy Le Clerc. Those in favour; those against.

*Members voted Pour.*

1140 **The Deputy Bailiff:** I declare Mrs Walker duly elected a member of the Ladies' College Board of Governors.

## SCRUTINY MANAGEMENT COMMITTEE

### II. Election of members of the Scrutiny Management Committee – Mrs Gill Morris and Mr Richard Digard elected

*Article II.*

*The States are asked:*

*To elect two voting members of the Scrutiny Management Committee who shall not be Members of the States, to serve until the 30th June 2020, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation, as set out in Section 1 of The Rules of Procedure of the States of Deliberation and their Committees.*

**The Greffier:** Article II, Election of members of the Scrutiny Management Committee.

1145 **The Deputy Bailiff:** I turn to Deputy Green, as the President of the Scrutiny Management Committee, and invite him to nominate any candidates he wishes to.

**Deputy Green:** Sir, yes.

Second time lucky, sir! I would like to nominate Mrs Gill Morris and Mr Richard Digard for the two non-States' members positions on the Scrutiny Management Committee.

1150

**The Deputy Bailiff:** Is the nomination of Gill Morris seconded?

**Deputy Roffey:** It is, sir.

1155 **The Deputy Bailiff:** Thank you, Deputy Roffey.  
Is the nomination of Mr Digard seconded?

**Deputy Roffey:** It is, sir.

1160 **The Deputy Bailiff:** Thank you very much, Deputy Roffey.  
Are there any other nominations?  
Deputy Dorey.

**Deputy Dorey:** I wish to nominate Mr Sean McManus.

1165 **The Deputy Bailiff:** Is that nomination seconded?

**Deputy Le Clerc:** Yes, sir, seconded.

1170 **The Deputy Bailiff:** Are there any other nominations before we move into the next stage?  
I invite Deputy Green, as the proposer of Gill Morris and Richard Digard, to speak in respect of both candidates for up to five minutes each.

**Deputy Green:** Sir, thank you very much.

1175 Members should have before them copies of the CVs of both Mrs Gill Morris and Mr Richard Digard. In addition, there is a letter dated 24<sup>th</sup> June that Members will have sight of, which is basically the report from myself. You will note the contents of that and, most significantly, at the end of that letter I confirm that we have reviewed declarations of interest for both Mrs Morris and Mr Digard, and I can confirm that there are no current conflicts that cannot be effectively

1180 managed, and therefore we are putting forward these two candidates for the two positions.  
Sir, Members, the Scrutiny Management Committee formally advertised in *The Guernsey Press* for expressions of interest in the two non-States' member roles on the Committee and we were very pleased to receive a fairly considerable response from many capable Islanders who put themselves forward. A total of 16 formal applications, I think it was. After conducting what was, in reality, a very transparent and open process including numerous interviews with the candidates, and after much careful consideration of the candidates on offer, the three political Members of the Scrutiny Management Committee were unanimous in wanting to nominate Mrs Gill Morris and Mr Richard Digard for these two non-States' members roles.

1185 Very briefly, sir, Mrs Gill Morris served on the Public Accounts Committee of the States from 1190 2012 to 2016, where she chaired the Audit Panel and was also a member of the Investment Panel. She is a chartered accountant and a chartered tax adviser and is currently a director of tax and treasurer inspectorate. So there is no doubt that Mrs Morris brings an enormous range of skills, particularly financial skills and accountancy expertise, and the intention would certainly be for her to chair an audit sub-committee within the new scrutiny set up.

1195 Turning to Mr Richard Digard, Mr Richard Digard will, of course, be best known to Members of the States as a former editor of *The Guernsey Press* between 2000 and 2014. He was educated locally at Elizabeth College, and then did a degree at Coventry University in Computer Science. In addition to his substantial local professional media experience, he has also gained experience in the finance sector, having been a marketing manager at Sun Alliance in the mid-1990's, and he is also currently a non-executive director for Roughton Insurance Limited, a captive insurance company.

1200 Mr Digard was recently a panel member for the Independent Review of States' Members' Pay, and he is a member of the Vale Douzaine. Sir, he has undoubtedly a deep and extensive knowledge of policy and politics within the Island, and he is very clearly, in my view, a strongly analytical character and an independently minded person, who will bring that sort of approach to local issues in a way which we would say compliments the other skills of the Committee. Indeed,

his skillset will be very useful at the public meetings, the public hearings that we intend to conduct on a range of matters over the next four years.

1210 Mr Deputy Bailiff, many quality candidates applied to be Members of the Scrutiny Management Committee, but ultimately, in our judgement – and the Committee was unanimous in this – we feel that Mrs Morris and Mr Digard are the best fit for the Scrutiny Management Committee. We feel our nominations will bring skills that will properly compliment those of the political Members, and I would be grateful if Members were to support our nominations this morning.

1215 As I say, I apologise, sir, for the fact that when we were here three weeks ago or so, we neglected to submit the CVs and the letter in respect of the conflicts of interest, but that has now been done.

I would ask Members to support our nominations.

1220 **The Deputy Bailiff:** I invite Deputy Dorey, as the proposer of Mr McManus, to speak in respect of him.

**Deputy Dorey:** Mr Deputy Bailiff, I am pleased to propose Mr Sean McManus; he is seconded by Deputy Le Clerc.

1225 Firstly, his background. After being educated at Elizabeth College he graduated with a Bachelor of Education and late in his career he obtained an MA in Geography. He has wide experience from teaching full time for 31 years and supply teaching for the last four years. His career has involved teaching at primary school in Hampshire, in Mozambique, in secondary schools in Guernsey for 19 years, which included being head of geography for 16 years.

1230 Mr McManus, who is 62, is well known as a quiz master and to Members of a previous Assembly. He was Deputy for Castel from 2008-12 and was a very highly respected Member who served on the Housing Department, and was an excellent member of the Scrutiny Committee.

1235 His experience means he is familiar with procedures, the methodologies and the governance principles of the scrutiny process. These are ideal qualifications, as he fully understands exactly what it involves and he really is keen to be a member of this important Committee.

1240 He did not initially put himself forward for the post, so he has not been considered by the States' Members of Scrutiny. I approached him, as I knew he would be of great benefit to the Committee. He is currently supply teaching, which makes him a States' employee. His desire and commitment to be a member of Scrutiny is such that he has resigned in order to be eligible to stand for this post. It has subsequently been clarified that supply teachers will be working under new contracts from September and, under this new contract, he would no longer be considered a States' employee. Being a supply teacher means that he can be flexible, so he can attend meetings and be a member of panels. He has the time and commitment to be a member of Scrutiny.

1245 His key skills of presentation and communication, both written and oral, are highly developed. He has post-graduate research skills and he is practiced in the critical analysis of a wide range of both governmental and professional documentation. He is used to speaking in public and has twice represented Guernsey at the CPA conferences. He has considerable experience at chairing meetings and working groups. He has strong interpersonal problem solving skills, as well as the ability to work as part of, and to lead, a team of colleagues. He is well used to dealing with complicated arguments and conflicting evidence. He is known for his careful consideration of competing claims, and with ability and willingness to robustly examine arguments put forward in a manner likely to persuade others of their apparent validity.

1250 To make sure I am right to propose him, I asked some Members who had previously served with him on Scrutiny and they said the following:

'He is extremely intelligent, and he has a very calm and considered manner. I also thought he was a good scrutineer and I enjoyed service with him'

1255

Second quote:

'He was, and is, an original thinker. He is not the loudest voice in the crowd; he is, however, someone you need to listen to when he speaks. As a teacher educator you have to remain inquisitive, you have to understand a concept and then explain it to others. You have to see more than one perspective. Scrutineers need that ability.'

Another quote:

'He is very knowledgeable on process, mediation, interrogation and policy.'

1260 End of quotes.

I believe that he will make a significant contribution to the Committee. He is a man of honour, can be relied on to be unbiased and fair. He will not hold preconceived views.

I do not often propose anybody but I, and those who previously served with him, think he is an ideal candidate. I am sure there will be opportunities for other members of the public who are  
1265 interested in scrutiny to serve on panels in the future, but for this key post as a voting member of a Management Committee, Mr McManus has the skills, knowledge and commitment, so please vote for him.

Finally, sir, I intend to use both my votes, the other vote will be for Gill Morris as I understand the need to have a non-States member with financial skills on the Committee –

1270

**The Deputy Bailiff:** I am going to stop you there, Deputy Dorey, it is not appropriate for you to speak about any other candidate.

**Deputy Dorey:** Okay. All I will say then –

1275

**The Deputy Bailiff:** And your five minutes are up anyway! (*Laughter*)

Members of the States, there are three candidates for the two vacant seats for non-States voting members on the Scrutiny Management Committee. They are Gill Morris and Richard Digard both proposed by Deputy Green and both seconded by Deputy Roffey; and Sean McManus, proposed by Deputy Dorey and seconded by Deputy Le Clerc. If you take your voting slips and write one or two names, possibly none if you prefer, on it and pass them to somebody who will collect them. They will then be taken away and counted.

1280 Are there any voting slips that have not yet been handed to the Sheriff or the usher?

What I propose, Members of the States, we do is to rise whilst those votes are counted, then declare the result when we come back in five minutes or so.

1285

*The Assembly adjourned at 11.08 a.m.  
and resumed its sitting at 11.20 a.m.*

**The Deputy Bailiff:** Well, Members of the States, the result of the election for two members of the Scrutiny Management Committee is as follows: Gill Morris, 30 votes; Richard Digard, 22 votes; Sean McManus, 18 votes. There were no spoilt papers. There were no blank papers. The two candidates who received the most votes in the election are Mrs Morris and Mr Digard, and therefore I declare them duly elected as non-States' voting members of the Scrutiny Management Committee.

1290



**Guernsey Police Complaints Commission –  
Report for the period from July 2011 to July 2015 –  
Proposition to debate the Appendix to Billet d'État XIX approved**

*To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix to Billet d'État No. XIX.*

**The Greffier:** Motion to debate Appendix Report, first stage, Appendix II, Guernsey Police Complaints Commission – Report for the period from July 2011 to July 2015.

1295

**The Deputy Bailiff:** Members of the States, this is a motion pursuant to Rule 20 of the Rules of Procedure, and I invite the proposer of the motion, Deputy Roffey, to speak thereon.

**Deputy Roffey:** Thank you, Mr Bailiff.

1300 I really apologise in some ways to Members for using a sledgehammer to crack a nut. But I felt I had to put this motion because there were a couple of questions that I wanted to ask in relation to this Report, and I cannot ask them unless we are able to debate it, and I do not know if it is appropriate now to explain what those questions would be to inform people, or whether that is pre-empting and actually debating the report by asking those questions.

1305 But it is the first report of this independent Commission. It is a process that I, for decades, wanted to see set up and running, it has now been up for four years. As I say, it is the initial report, I think it would give it due credence from this Assembly to be able to discuss it, particularly as they have raised a couple of significant issues in there where I think it would be useful to probe the view of the Committee for Home Affairs.

1310 Sir, I will take your guidance as to whether I should illustrate what the questions I want to ask are at this stage, or whether that would be inappropriate.

**The Deputy Bailiff:** Deputy Roffey, I think you could briefly touch on it, but not obviously have the debate, because this is just simply should the report be debated. So I think you have probably said enough, but if you want to just elaborate briefly you can. *(Laughter)*

1315

**Deputy Roffey:** I tell you what, I will briefly say what they are and then if we do decide to debate it I will just say what I said before; I will not actually go into it again.

1320 Basically, the Commission are saying that they believe that the legislation they operate under is inadequate and does not allow them to put the complainant always at the heart of the process in the way that they feel it should be. They are looking forward to a review of that legislation; they thought it would have happened by now and be completed by now. It has not and they are keen for it to go ahead, and I really want to ask the Committee for Home Affairs what the status is of that review, when it is likely to happen and whether they share those sentiments.

1325 **The Deputy Bailiff:** Deputy Dorey, do you formally second the motion?

**Deputy Dorey:** Yes, sir, I do.

**The Deputy Bailiff:** Thank you, very much.

1330 Deputy Lowe, as the President of the Committee concerned with the Report of the Guernsey Police Complaints Commission, you are entitled to speak on the matter.

Deputy Lowe. Just as to whether or not it should be debated.

1335 **Deputy Lowe:** Yes. We have no problem with it being debated at all and we can give you an answer to that question too.

**The Deputy Bailiff:** So, without further debate, I now put to Members of the States the motion proposed by Deputy Roffey, seconded by Deputy Dorey, to debate the Appendix to Billet d'État XIX – the Guernsey Police Complaints Commission Report. Those in favour; those against.

*Members voted Pour.*

1340 **The Deputy Bailiff:** Well there being no opposition to it, clearly it has been carried and therefore we will move to the second stage later in the meeting.

**Deputy Roffey:** Despite saying perhaps I would not have to say anything –

1345 **The Deputy Bailiff:** No, no. You cannot speak on this now. We move to something else.

**Deputy Roffey:** Ah, I beg your pardon.

**The Deputy Bailiff:** Deputy Roffey, in accordance with Rule 20, we come back to it later.

### PROJET DE LOI

#### III. The Interpretation (Bailiwick of Guernsey) Law 2016 – Approved

*Article III.*

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft Projet de Loi entitled 'The Interpretation (Bailiwick of Guernsey) Law, 2016', and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.*

*This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.*

1350 **The Greffier:** Article III, the Interpretation (Bailiwick of Guernsey) Law, 2016.

**The Deputy Bailiff:** Deputy St Pier, do you wish to speak on this at all?

**Deputy St Pier:** No, sir.

1355

**The Deputy Bailiff:** Is there any debate on this piece of legislation – Proposition 2016/9?

Well, there being no debate, there is a single Proposition as to whether you are minded to approve the draft Projet de Loi entitled The Interpretation (Bailiwick of Guernsey) Law, 2016, and to authorise the presentation of the humble petition to Her Majesty. Those in favour; those

1360

against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare the matter duly carried.

**ORDINANCES**

**IV. The Offences (Fixed Penalties) (Guernsey) Law, 2009  
(Amendment) Ordinance, 2016 – Approved**

*Article IV.*

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft Ordinance entitled 'The Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2016', and to direct that the same shall have effect as an Ordinance of the States.*

*This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.*

**The Greffier:** Article IV, the Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2016.

1365

**The Deputy Bailiff:** Is there any debate on this matter?

Well, Members of the States, once again I will put to you the Proposition to approve the draft Ordinance. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare that duly carried and the Ordinance duly approved.

**V. The Access to Neighbouring Land (Guernsey) Law, 2016 – Approved**

*Article V.*

*The States are asked to decide:*

*Whether, after consideration of the Access to Neighbouring Land (Guernsey) Law, 2016 Supplementary Policy Letter dated 10th May 2016 and the Projet de Loi entitled 'The Access to Neighbouring Land (Guernsey) Law, 2016', they are of the opinion:-*

*(a) to approve the proposals that:*

*(i) applications for access orders and related orders under the access to neighbouring land legislation be made in the Magistrate's Court (exercising its civil jurisdiction), with that court having the power to refer applications for determination by the Royal Court sitting as an Ordinary Court; and*

*(ii) the Law should provide for all access orders to be time bound with the States having power to amend the Law by Ordinance to provide for the making of access orders in perpetuity; and*

*(b) to approve the Projet de Loi entitled 'The Access to Neighbouring Land (Guernsey) Law, 2016', and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.*

*The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.*

1370

**The Greffier:** Article V, the Access to Neighbouring Land (Guernsey) Law, 2016.

**The Deputy Bailiff:** Deputy St Pier, do you wish to open debate on this particular matter?

**Deputy St Pier:** Yes, briefly, sir.

1375 Actually, the best summary of this Treasury can find Sir is actually that that has already been provided by Deputy Yerby in her blog, where she has very helpfully explained the background and history to this. So for those who have not yet had the benefit of it, perhaps I can use that to introduce this particular item.

1380 During the last States in May 2014, the States approved a policy letter at that time to introduce access to neighbouring land legislation, which of course was based on similar provisions in the UK, and that is really to enable neighbours to gain access to carry out maintenance on their own property, if they have been unable to negotiate that access in the normal way with one's neighbours.

1385 The reason for this was, I think, in particular, it had been found that a number of situations had arisen where consent had not been granted and, indeed, in particular, because advocates were unable to confirm the position, it had and was impeding some transactions; and, indeed, some sales had fallen away completely without the absence of such consent.

1390 So that policy letter was approved to achieve that objective. Then, following the debate, of course, the Law Officers then took that policy letter away to draft it and that is what we are now being asked to approve. But in the process of drafting it, the Law Officers did identify two additional, I think what would be described as technical changes – and, again, if my analysis is incorrect I am sure HM Procureur will correct me. But the first of these is that any dispute should be dealt with through the Magistrate's Court rather than the Royal Court in order to keep costs down, and that seems eminently sensible and practical. The second is that access orders made under the Law should have some kind of expiry date and, again, I think that was on representation from the legal profession who acknowledged perhaps the issue of having something that was completely open ended.

1395 Sir, I think both of these changes we consider to be reasonable and do commend them to the Assembly, sir.

1400

**The Deputy Bailiff:** I do not see any Member wishing to speak on this matter. So I put the Proposition to you as a whole.

1405 **The Procureur:** No, is there not a Proposition to approve the –?

**The Deputy Bailiff:** There are the proposals in (a) and then there is the draft Projet in (b).

**The Procureur:** Yes, we would normally do those two separately.

1410 **The Deputy Bailiff:** Do you prefer them taken separately? Separately, okay.

Therefore, Members of the States, I put to you paragraph (a) in the Proposition to approve the proposals, the changes from previously. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare paragraph (a) duly carried.

1415 Paragraph (b) is to approve the Projet de Loi entitled the Access to Neighbouring Land (Guernsey) Law, 2016. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare that duly carried as well, then.

**STATUTORY INSTRUMENTS LAID BEFORE THE STATES**

**The Companies (Guernsey) Law, 2008 (Amendment of Part XVIA) Regulations, 2016;  
The States (Reform) (Transfer of Functions) Regulations, 2016**

1420 **The Greffier:** Statutory Instruments laid before the States: the Companies (Guernsey) Law, 2008 (Amendment of Part XVIA) Regulations, 2016 and The States (Reform) (Transfer of Functions) Regulations, 2016.

**The Deputy Bailiff:** We note that both of those Statutory Instruments have been laid at this meeting.

**COMMITTEE FOR HOME AFFAIRS**

**Guernsey Police Complaints Commission –  
Report for the period July 2011 to July 2015 noted**

1425 **The Deputy Bailiff:** Members of the States, we now get to the second stage of the debate on the Appendix Report. The Proposition that you are debating pursuant to Rule 20 paragraph 5(c) is to take note of the report and I invite the President of the Committee for Home Affairs, Deputy Lowe, which is the Committee concerned with the matter, to open the debate on the Appendix Report.

1430 **Deputy Lowe:** Thank you, Mr Deputy Bailiff.

The Report before the Assembly this morning was compiled by the Police Complaints Commission. There is little that I can add to the Report and the information contained within.

1435 The Policy Complaints Commission is a statutory body established by legislation to provide independent oversight of the complaint process, and the Committee is not involved in how it operationally discharges its responsibilities.

I do understand, however, that the Commission would be happy to discuss any matters with any Member of this Assembly, if they wish to contact them directly.

1440 **The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Despite saying I may have said enough before, I think it is incumbent on me to contribute now, otherwise there will not be a debate, having asked for a debate!

To highlight the points that I made in my motion to debate, I would ask Members to read from the bottom of page 5, the last sentence there, where it says:

'A working party was formed in June 2014 and there was a general expectation on behalf of the Commission that the review.'

1445 – that is the review of the legislation they operate under –

'... would have been concluded by now, however ...'

– over the page –

'... the Commission remains committed to supporting this process and looks forward to progress being made.'

Now, I read that as coded and polite way of saying they do not feel any progress has been made up to now.

1450 The next paragraph goes on to explain, as I said earlier, why they feel that the current legislation is deficit and does not allow them to fully involve the complainant and put them at the heart of the process.

1455 So my two questions, really, for the President of the Committee for Home Affairs are simply this: when does she perceive that this review will go ahead and be completed, what sort of time frame, or what is her Committee's time frame; and does her Committee – if they have had the chance to discuss it – concur with the general view of the Commission in saying that the legislation is defective and that it does not fully allow the complainant to be put at the heart of the process? Do they support that, because it would be useful to know?

1460 **The Deputy Bailiff:** Deputy Dorey.

**Deputy Dorey:** Thank you, Mr Deputy Bailiff.  
On page 5 under support, it says:

'The Commission is funded from Home Department general revenue and is supported by staff from within Home Department, Central Services.'

It goes on to say:

'Notwithstanding this, the Commission recognises that in the future it may be worth reviewing the current arrangement.'

1465 As always in these situations, independence is crucial and as the financing for the Royal Court comes from P&R, I wonder if the financing for this Complaints Commission should come from outside the Home Affairs Committee, and it perhaps should come from Policy & Resources, to ensure that it is independent and does not use the central services of the now Home Affairs Committee. So I would welcome the President's opinion on whether that should happen.

1470 I also question why there are not any statistics with the Report?  
Thank you.

**The Deputy Bailiff:** Deputy Gollop.

1475 **Deputy Gollop:** Yes, I thank not just the Home Department but also Deputies Roffey and Dorey for bringing this Report to our attention, because it is the kind of thing that might have slipped under the radar. It does actually make quite interesting reading, for the reasons that have already been mentioned, and a few more.

1480 I think Deputy Dorey points out there is lack of statistics in the Report. The comment is made that they do not wish to discuss individual cases, because of the dangers of it leading to a breach of confidentiality, for either the complainants or indeed the officers that might have been linked to those complaints. I accept that, but at the same time it gives the casual reader, such as ourselves, no inkling as to what these complaints addressed are or their issues or wider concerns. The lack of statistics is more than just being vague; presumably there has to be more than one complaint, but I do not know from looking at this whether there has been one, 1,001, 101, 21, and what level they are at. So it completely pulls the wool over my eyes, I must admit.

1490 I do thank very much the way in which they commend the Force as being committed at every level to implement the complaints process. I also note that they say there was very little evidence of any high level; indeed, there is a commendably low level, of criticism of the Guernsey Force, which is what we would expect. Although, again, to be fair, the Guernsey Force has a very small man power and one would have to compare it proportionately to other Police Forces in the British Isles to gain a meaningful understanding of that.

I think it may be premature to review the legislation, because from this evidence we have not got a lot to go on and it is, after all, the first report and the first period. But I think we need to know more of the context of the Police complaints process, and maybe one way of doing this

1495 would have been to have arranged a presentation for States' Members, perhaps, *in camera* in a sense, as to how this process can be improved. Because clearly the Commission have raised some issues that Deputy Roffey and Deputy Dorey have identified, such as whether the legislation is right, whether the process is right and whether the staff arrangements are ideal.

I think that this process does need a wider exposure, because this Report is not actually terribly clear. We had a little discussion yesterday on 'middle class-ness' and so on, but I think perhaps the last page or two of this Report does not convey very clearly as to what the issues are, and it perhaps has been somewhat written in sophisticated language, shall we say.

**The Deputy Bailiff:** Deputy Yerby.

1505

**Deputy Yerby:** Sir, reading through the Report, there were three points that sprang to mind. The first, as my colleagues have touched on, the lack of statistics in that Report. Because I am knew to this, I went back through the history of how we came to have a Police Complaints Commission, and found the States' report from 2005 in which it was proposed to set one up. In that report there are statistics from the first three years of the Jersey Police Complaints Authority 2000-2002. We are given only a brief statistical digest of the nature of the complaints that were investigated and the outcomes of those, whether they were substantiated or not. But it was more information, at least, than what is presented here. I would submit that at the very least we should aspire to achieve something similar for Guernsey.

1515 The second point, which Deputy Roffey has already amply covered, is the need to see progress on the review of the legislation, and I look forward to the response from the President of the Committee for Home Affairs.

1520 The third is a more general point arising from the point made in the Report that structurally, although this is an independent Commission, it is supported by the Committee for Home Affairs; there are a number of other such independent organisations that are financially supported or supported by staff who are employees of the States and, as a general point of principle, this may be something that the States wish to consider further over this four-year term.

1525 I also stand to speak because I felt it was important to put on record, in general, the importance of having a Police Complaints Commission in a modern democracy, where policing must be by consent. This was underlined to me when I was researching the origin of the Police Complaints Commission here, and I found that internationally it was cited in reports on Guernsey's Compliance with the International Convention Against Torture.

1530 My first reaction to that was one of surprise, but then of course I recalled that Law Enforcement has life changing power over others and it is absolutely right that we are assured that that power is used justly and proportionately and that our trust in Law Enforcement to protect our liberties is well placed. (**Several Members:** Hear, hear.)

In that respect, I think continued and detailed scrutiny of this Report, and others, from the Commission is absolutely vital in building that trust.

1535 **The Deputy Bailiff:** Deputy Green.

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

1540 I was grateful that others proposed that this be debated. I was a bit underwhelmed by the quality of this Report, to be frank, sir. I, like others, have said that the lack of detail about how many complaints there had been during the reporting period is an issue. There do not seem to be any details provided regarding the draft guidance that is referred to in the Report. Clearly, not everything has gone well in the last few years and I quote:

'... has not been without its difficulties and challenges ... it has been a learning process ... improvements are possible ...'

Clearly, there has to be some proper review of this. But the main reason why I rise is because the central issue with this, I think, is whether the current process actually provides sufficient

1545 reassurance and comfort to the complainant. A system like this has got to be properly  
independent, and there is something in the Report that slightly concerned me: the Report  
mentions that Guernsey, being a small jurisdiction, provides opportunity for this Commission to  
provide a complainant with a personal touch. I just wonder how a personal touch approach can be  
compatible with proper independence. Properly independent scrutiny of complaints, because in a  
1550 small community like Guernsey where a complainant has the bottle to make a complaint against a  
police officer, or police staff, it is incredibly difficult unless you have got a properly independent  
system.

So I think this Report does raise more questions than it answers and I would be grateful if  
Deputy Lowe, the President of Home, when she responds ... whether she could give consideration  
1555 to updating the Assembly in due course in terms of what review exactly is going on of this? Is it  
just a review of the Law? Is it actually a review of this process? Who is doing that review? Can we  
have an update on any progress in due course?

**The Deputy Bailiff:** Deputy Prow.

1560 **Deputy Prow:** Thank you, sir.

As the Committee of Home Affairs has discussed this, I can say that all the questions will be  
adequately answered. But I just wanted to make the comment now that we must remember that  
the Police Complaints Commission is an independent statutory body, and is independent from the  
1565 Police and Home Affairs Committee. I just wanted to reinforce that point before the President of  
Home Affairs answers the questions.

Thank you, sir.

**The Deputy Bailiff:** Deputy Lester Queripel.

1570 **Deputy Lester Queripel:** Thank you, sir.

Sir, following on from colleagues expressing concerns about the lack of detail in this Report,  
one of my concerns is that this Report is only seven pages long and it covers a four-year period.  
Some of the reports the States are presented with number hundreds of pages. So I do also  
1575 express, on record, my concern about the lack of detail in this Report.

At the bottom of page 3, we are told:

'The Commission does not carry out investigations itself as, in introducing the legislation, it was the view of the States  
that the investigation of complaints against the Police is most appropriately carried out by the Police, where necessary  
using an outside Force.'

Sir, my question in relation to that, to the President, is: can the President tell me, please, what  
criteria do the Police employ to enable them to decide whether or not it is necessary to use the  
services of an outside Force?

1580 Thank you, sir.

**The Deputy Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, I rise briefly, prompted by Deputy Dorey's comments in relation to the  
1585 funding of the Police Complaints Commission, because I think the point is a valid one and I think  
it was previously raised in relation to the funding of the Children's Convener, which currently  
comes from the Committee for Health & Social Care.

So it is an issue that has been identified before. I think it is worthy of further thought as to  
whether it is appropriate that certain Committees fund certain of these types of institutions that  
1590 we have. We within P&R would certainly be very happy to consider that issue further, obviously  
with the benefit of input from the relevant Committees. *(Interjection by the Deputy Bailiff)*



I am advised, or perhaps it has been drawn to my attention, by you, sir, (*Laughter*) that the Report does identify me as having been an ordinary member of the Commission, and therefore I should perhaps declare an interest in the Report.

1595

**The Deputy Bailiff:** Deputy Brehaut.

**Deputy Brehaut:** Thank you, sir.

1600

I wonder whether the President of the Home Affairs Department can help me, not with a complaint, but the Police Complaints Commission has sight of all the complaints made to the Police – that is, complaints made to the Police ... then on the bullet points listed below death or serious injury, and they talk about the gravity of the complaint. I am not clear if, for example, I was to make a complaint against the Police to the Police then there could be a degree of coercion that meant that complaint went no further.

1605

So I am just trying to understand what the hierarchy is here. I thought that perhaps the initial complaint was made to the Commission and then they refer that to the Police, if you like, to get the Police perspective, and I am trying to understand that; whether it is a complaint made to the Police that then involves the Commission or whether someone can go directly to the Commission. I am not entirely sure in my own mind.

1610

Thank you.

**The Deputy Bailiff:** I turn to Deputy Lowe, as the President of the Committee, to reply to the debate.

1615

**Deputy Lowe:** Thank you, Deputy Bailiff.

I will cover some of the questions that have been asked first, and then I will just generalise on some of the statistics that I do have, but all of you will have seen the statistics, because all of you have had circulated the Law Enforcement's Annual Report, and the statistics are always in there, of the numbers of complaints. So you can gain that information if you want to go back to have a look at the Annual Report of Law Enforcement.

1620

When will the review go ahead? It has started. Certainly, we started to look at it a bit more vaguely in the last term, but we had a letter from the Commission when we were appointed, as the new Committee, and they asked if we would take that up on the radar a lot higher. We see that as a priority; if you have got a situation where there is a complaints procedure, it has to be that people are not prohibited by that because it is not working properly and that it needs a review.

1625

As far as we are concerned, the review is a priority, it has started, we have already met the Police Complaints Commission, and we are very much going to take this forward together. We all accept it was a learning curve, and it is a plus and a minus inasmuch as you do not get an awful lot of complaints, so unless you get a lot, it is very difficult to find out all the pitfalls, because it is not something you are doing on a daily basis.

1630

Now have the four years' worth, and I will come to the statistics shortly. It will help that way for us to take it forward. There has been a lot of dialogue as well with the St James Chambers during that period of time to clarify both, and that has happened as well with the old Home Department, to get clarification because the legislation is fine, but it is certainly not ideal. That will need to be reviewed and changed. That will be part of the review when we come back. So I hope that helps you, but we do see it as a priority and we will continue that.

1635

I copied the statistics which were raised by Deputy Dorey, the investigation of complaints varies considerably with some spanning months, and hence the level of supervision provided by the Commission varies from case to case. At the conclusion of the complaint that they are supervising, Commissioners – usually a minimum of three – are provided with the entire investigation file; this is generally hundreds of pages of detailed information. Commissioners are provided with a similar level of information when considering appeals.

1640

1645 Some cases can be dealt with in a minimum of two meetings, whilst others necessitate multiple meetings, which can require legal support, in addition to secretariat support, and often involves the investigating officer.

1650 The Commission has a statutory responsibility to enter into dialogue with the officer who is the subject of the complaint, the appropriate authority, the complainant and any individual identified as an interested party in respect of the Commission's view of how a complaint has been dealt with. In addition, the Commission has a statutory role in viewing the complaints register, which it does with the support of Professional Standards Department.

1655 Much of the Commission's work over the last four years has been to support an understanding of the complaints process working closely with the Law Officers Chambers, and has been integral in the preparation of training, and explanatory documents, and guidance. These have been shared at regular intervals with the then Home Department, the appropriate authority, and the Professional Standards Department.

The Commission finds that it is regularly in contact with complainants who find that their issue falls outside the scope of the legislation for various reasons, and on these occasions seeks to work with the Police to ensure the individual's concerns are addressed wherever possible.

1660 Furthermore, the Commission has been involved with a significant number of complaints that do not follow the statutory process in full, insofar as there is no conclusion to the complaint in accordance with the legislation. But they require significant interaction with the Professional Standards Department and, on occasion, the complainant. For example, whilst the Commission did not supervise the investigation of any complaints to their conclusion in accordance with legislation in 2015, it was actively involved in 10 complaint matters which occurred in that year.

1665 For those that want statistics, rather than go back to the Law Enforcement there are 188 during the period of 2011-15, of which the Complaints Commission were involved with nine, so I hope that helps you a bit.

1670 I know the Complaints Commission are very keen to make sure that they get it right, and they want to get this review right, and we want to make sure that happens too and that statistics will be available in future reports. But it is their Report; it is not for us to tell them how to write it, but they are very keen to get some guidance as well on how to take it forward.

1675 **The Deputy Bailiff:** Deputy Lester Queripel why ...?

**Deputy Lester Queripel:** Because I just wonder if Deputy Lowe could actually answer my question, sir.

1680 **The Deputy Bailiff:** She has chosen not to. Deputy Lowe, did you overlook that?

**Deputy Lowe:** Would you like to remind me what your question was, please, Deputy Queripel?

**The Deputy Bailiff:** Deputy Queripel, can you repeat your question to the President?

1685 **Deputy Lester Queripel:** Certainly, sir.

What criteria do the Police employ to enable them to decide whether or not it is necessary to utilise the services of an outside Force, as we are told in paragraph 5 on page 3?

1690 **The Deputy Bailiff:** Deputy Lowe, it is a matter for you whether you reply to that. It is not strictly relevant to the Police Complaints Commission Report, it is a policing matter.

**Deputy Lowe:** It is very much a Police matter. We do not get involved with the complaints.

1695 **The Deputy Bailiff:** Members of the States, there is a simple Proposition to take note of the Report. Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare that Proposition duly carried.

## POLICY & RESOURCES COMMITTEE

### Managing the implications for Guernsey because of the UK's changing relationship with the EU – Debate commenced

*That the set of original propositions allocated identification number P. 2016/19 and entitled 'Policy and Resources Committee – Managing the Implications for Guernsey because of the UK's changing Relationship with the EU' be debated and decided upon, with or without amendment at a meeting of the States convened for Wednesday 29th June 2016.*

**The Deputy Bailiff:** Members of the States, I hope that on your desks you have a Proposition pursuant to Rule 18. I turn to the President of the Policy & Resources Committee to enquire of him whether it would be convenient to move that Proposition at this meeting now.

1700

**Deputy St Pier:** Yes, I think it would, sir.

**The Deputy Bailiff:** Members of the States, I am minded that it is most appropriate to take this Proposition now. I hope you have all got a copy and you have had time to at least look at it and consider it.

1705

I invite the President of the Policy & Resources Committee to move the Proposition.

**Deputy St Pier:** Sir, very briefly, and perhaps for the benefit of those outside the Assembly who will not have the benefit of it before them, I shall read it, which is that in the context of the Brexit policy letter:

1710

*'That the set of original propositions allocated [under a particular] identification number ... and entitled "Policy and Resources Committee – Managing the Implications for Guernsey because of the UK's changing Relationship with the EU" be debated and decided upon, with or without amendment at a meeting of the States convened for [today] ...'*

Sir, under the new Rule 18, which is described as urgent Propositions:

*'A proposition as regards which an immediate decision is necessary or desirable may, with the [consent] of the Presiding Officer, be submitted ...'*

Policy & Resources, sir, wish to emphasise that, in our view, the reason that this is an appropriate Proposition at this point is that I think it falls into that latter category of being possibly desirable that the matter be debated and decided upon today. I think we are very conscious that the term 'urgent' can sometimes be misconstrued and create a sense of panic, which, as I said in my opening Statement, is wholly inappropriate in this particular context.

1715

But we are aware, sir, that this is a fast moving situation, as I said in my Statement. In the ordinary course, this matter would probably not be scheduled for debate until, at the least, the earliest 21st September. If by then a new Government has lodged the Article 50 Notification to the EU, the 'Exit clock' will have started ticking before we have even considered this matter. So it is our

1720

view that it certainly should be debated well before 21st September. So it then becomes: what are the logical and best alternatives?

1725 We had indicated, through a Statement from Deputy Le Tocq a few weeks ago, that in the event of this 'Leave vote' succeeding it was our intention to ask the Presiding Officer to call, to convene an additional meeting for 20th July, which we consider to be perhaps the least inconvenient date, given the beginning of the school holidays the following day.

1730 However, I have had significant representations from Members of this Assembly, sir, who believe it would be beneficial to debate the matter sooner rather than later. There is, of course, a risk that, given the speed at which things may develop, even by 20th July things will have moved on and this policy letter could appear to be out of date.

So I hope that Members have had an opportunity to consider the policy letter. It is, of course, fairly short. I will not go into the detail unless we are to debate it, sir. But with that in mind I would hope that Members would be in a position to debate it if the Assembly is so minded.

Thank you, sir.

**Welcome to Secretary General of  
Commonwealth Parliamentary Association, Mr Akbar Khan**

1735 **The Deputy Bailiff:** Well, Members of the States, before I open debate on this Proposition, pursuant to Rule 18, it is customary in this Assembly that when a distinguished visitor appears in the Public Gallery we welcome him or her.

1740 We are honoured to have the Secretary General of the Commonwealth Parliamentary Association visiting the Island today. He will be in attendance later today – if it is later today, well it will be later today – for the Annual General Meeting of the Guernsey Branch of the Commonwealth Parliamentary Association.

I would ask you to give him a good welcome to Guernsey. This is Mr Akbar Khan who is a visitor to our Assembly this morning. *(Applause)*

**Managing the implications for Guernsey  
because of the UK's changing relationship with the EU –  
Debate continued –  
Proposition carried**

1745 **The Deputy Bailiff:** The other thing that I will say before inviting debate on this Proposition is that if it is carried, I am minded to take it as an item of business in the next meeting, rather than this meeting, immediately after the two elections that will take place. In other words, it will be the last matter dealt with today, which will give people some time for reflection before that.

1750 So is there any debate on the Proposition? On that basis, there is nothing for you to reply to, Deputy St Pier, and I will simply put the Proposition, which is formally seconded by Deputy Trott to the vote. This is:

'That the set of original propositions allocated [with] identification number P. 2016/19 and entitled "Policy and Resources Committee – Managing the Implications for Guernsey because of the UK's changing Relationship with the EU" be debated and decided upon, with or without amendment at a meeting of the States convened for Wednesday 29th June 2016.'

Those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare the Proposition duly carried. As I say, I am minded, unless anyone wants to persuade me differently, to schedule that in the next meeting.

**Schedule of future States' business –  
Proposition carried**

*Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 7th September 2016 and subsequent States' Meetings, they are of opinion to approve the Schedule.*

1755 **The Deputy Bailiff:** The final matter of business is the Schedule of future States' business. Yes?  
Deputy St Pier.

**Deputy St Pier:** Sir, very briefly, this has been circulated to Members. It is self-explanatory. I have nothing further to add, sir.

1760 **The Deputy Bailiff:** I have not been given notice of any amendments to the proposed schedule of business, so those in favour; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare that duly carried.

We will now close this meeting, rise very briefly and resume the second meeting, almost seamlessly.

1765 Just by way of explanation, although it is a distinct meeting, we will not go through the formalities of seeing if the Lieutenant Governor is going to assist us at that sitting. We will go straight in after prayers and the convocation.

So we will close this meeting with the Grace please, Greffier.

*The Assembly adjourned at 12 p.m.*