



II
2017

BILLET D'ÉTAT

WEDNESDAY, 11th JANUARY, 2017

BUSINESS OF THE MEETING

1. Motion of no confidence in the Committee *for* Education, Sport & Culture,
P. 2016/70

BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I hereby give notice pursuant to the provisions of Rule 2(5) of the Rules of Procedure of the States of Deliberation and their Committees that the item listed in this Billet d'État which has been submitted for debate will be considered at a Meeting of the States of Deliberation on **WEDNESDAY, the 11th January, 2017 at 9.30 a.m. immediately before the Meeting already convened for that day.**

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey

20th December, 2016

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**MOTION OF NO CONFIDENCE IN
 THE COMMITTEE *FOR* EDUCATION, SPORT & CULTURE**

The States are asked:

Whether, after consideration of the motion of no confidence in the President and Members of the Committee *for* Education, Sport & Culture dated the 19th December 2016, signed by Deputy E. A. Yerby and six other Members of the States, they are of the opinion: -

1. To decide, in accordance with Rule 21 of the Rules of Procedure, that the States of Deliberation require the immediate resignation of the President and Members of the Committee *for* Education, Sport & Culture, they having no confidence in the said Committee.

[N.B. if proposition 1 is carried, pursuant to Rule 21 (5) the President and Members of the Committee for Education, Sport & Culture shall thereupon be deemed to have tendered their resignations and those resignations shall be deemed to have been accepted by the States and the States shall elect a new President and Members of the Committee at the same meeting further to proposition 2.]

2. To elect:
 - (a) a sitting Member of the States as President of the Committee *for* Education, Sport & Culture to complete the unexpired portion of the term of office of Deputy P. R. Le Pelley, that is to the 30th June 2020, in accordance with Rule 16 of The Rules of Procedure.
 - (b) four sitting Members of the States as members of the Committee *for* Education, Sport & Culture to complete the unexpired portion of the terms of office of Deputies C. P. Meerveld, D. de G. De Lisle, A. C. Dudley-Owen and M. P. Leadbeater, that is to the 30th June 2020, in accordance with Rule 16 of The Rules of Procedure.

[N.B.

1. Pursuant to the Mandate of the Committee *for* Education, Sport & Culture, neither the President nor any member of the Committee shall be the President or a member of the Policy & Resources Committee or the President of the Scrutiny Management Committee.)
2. Paragraphs (3), (4) and (6) of Rule 16 of The Rules of Procedure provide inter alia:-

"16. (3) Where, in any election by the States, the number of candidates exceeds the number of vacancies:

- (a) voting shall be carried out by secret ballot;*
 - (b) if two or more candidates secure an equal number of votes and the addition of one vote to his or her poll would have entitled any such candidate to be declared elected, a second ballot shall be held in respect of such candidates only; and where in such a second ballot the addition of one vote to his or her poll would have entitled a candidate to be declared elected, the Presiding Officer shall either rule that a further ballot, or, if necessary, further ballots, shall be held, or direct that the candidates shall draw lots to determine the matter;*
 - (c) if there are more than two candidates for the office of President of a Committee and the candidate receiving the most votes does not receive a majority of the votes cast (disregarding any abstentions or spoilt papers), a further ballot, or ballots as required, shall be held, excluding every candidate who received fewer than six votes in the previous ballot or, when there are no such candidates, the candidate who received the fewest votes in the previous ballot;*
 - (d) if two or more candidates having secured six votes or more are tied in polling the fewest votes, or if the process set out in sub-paragraph (c) would result in the elimination of all but one of the candidates, a further ballot shall be held in respect of such candidates only to determine which of them shall be eliminated from further ballots.*
- (4) On a proposition to elect a President of a Committee the Presiding Officer shall:*
- (a) first invite Members to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage;*
 - (b) invite, in respect of each candidate in turn (or the candidate if there is only one), first the proposer to speak for not more than five minutes and then the candidate to speak for not more than ten minutes and thereafter, if there are two or more candidates, allow Members to question the candidates;*

Provided that:

- i. the question shall relate to areas of policy included in the mandate of the Committee;*
- ii. no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph vi there are no further questions, Members who have already asked a question may be permitted to ask further questions;*
- iii. the questioner may not speak for more than 30 seconds;*

- iv. *each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;*
 - v. *candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall, after each question has been answered by the candidates, be rotated by moving the name of the candidate at the top of the list to the bottom of that list;*
 - vi. *the session shall conclude at the expiration of the period calculated by multiplying 15 minutes by the number of candidates; and*
 - vii. *no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.*
- (6) *On a proposition to elect members of a Committee the Presiding Officer shall first invite the President of the Committee concerned, and thereafter other Members, to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak, for not more than five minutes in respect of each candidate proposed by that person, before voting takes place; and neither the candidates nor any other member shall be entitled to speak.]*

These propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

19 December, 2016

Dear Sir

MOTION OF NO CONFIDENCE

Committee *for* Education, Sport & Culture

Pursuant to Rule 21 of the Rules of Procedure of the States of Deliberation, we the undersigned being Members of the States of Deliberation request that this motion of no confidence in the President and Members of the Committee *for* Education, Sport & Culture be laid before the States of Deliberation as soon as is reasonably practicable.

GROUNDS

On 15 March, 2016, the States resolved, inter alia: *“[t]o agree that the current selective admission of students to States’ secondary schools and the grant-aided Colleges based predominantly on the 11 Plus examination shall be replaced with effect from September 2019 (for new Year 7 students) by non-selective admission to States’ secondary schools based predominantly on a feeder system from primary schools and that the States’ secondary schools shall set students by ability as appropriate.”* On 2 December, 2016, the States resolved to negative a proposition of the Committee *for* Education, Sport & Culture to rescind the aforementioned resolution of 15 March. This motion of no confidence follows the resolution of 2 December (‘the December debate’). It is laid on the grounds that:

First, a Committee which, by a majority, favours selective admission to secondary education will struggle to formulate, agree and implement plans for non-selective admission, especially within the necessary timescales. It should be recalled that Deputy Le Pelley, President of the Committee, has described changes to the system as “putting a huge group of youngsters at risk” and “a recipe for disaster.” In debate, he was unable to envision a system of non-selective secondary education which would not diminish Guernsey’s future educational performance: saying that Jersey would no longer struggle to catch up with our standards and, at one stage, raising the spectre of “sink schools”.

While Committees, from time to time, receive directions from the States which are counter to their own recommendations, it is very rare for them to be directed to do something in which they have expressed no faith, and to which they have demonstrated sustained, uncompromising opposition. In this instance, the Committee’s position is more like that of an individual Member who cannot, in good conscience, accept a policy direction and who therefore chooses to step down. As the Members of the Committee most opposed to non-

selective secondary education have not done so, the States has no option other than to consider its confidence in the Committee as a whole.

Second, the Committee has itself declared its lack of confidence in its own ability to manage the risks associated with the transition. This was the principal reason given by Deputy Dudley-Owen for withdrawing her support for non-selective admission during the December debate. Following that debate, the President announced on BBC Radio that “Guernsey would rue the day” that it abolished selective admission to secondary education. Those are not the words of a person who believes his Committee can deliver an acceptably high standard of education through a non-selective system.

Third, the Committee has already demonstrated a confused approach in this critical area of policy. The President was elected in May having declared his clear intention to seek an alternative form of selection (described as a “much reduced stressful type of assessment at 11, with a safety net of being able to transfer ... at 13 or 14”). The Committee’s policy letter of 14 October 2016 (P.2016/49) did not, however, propose any viable alternative to the current system of selection by the 11+. Indeed, selection by continuous assessment – being the method proposed in an amendment seconded by Deputy Le Pelley in March 2016 – was specifically ruled out as an appropriate solution in that policy letter.

The Committee’s approach has been inconsistent and divided throughout. In September 2016, Deputy Le Pelley announced that the Committee *for* Education, Sport & Culture would return to the States by June 2017 with proposals for a non-selective secondary education system, although his own view remained in favour of selection. In October 2016, the Committee published a policy letter in which the majority of its Members declared themselves in favour of non-selective admission to secondary education, after extensive consideration and deliberation within the Committee, but that position was then reversed in the December debate. The original propositions in that policy letter risked leaving the States without a clear resolution on the issue, and required amendment by the Committee. Meanwhile, the Vice President of the Committee released completely separate proposals for the future shape of the education system, without the clear support of his fellow Committee Members.

On other matters, such as the provision of universal access to preschool education, the Committee has also declared its intention to reverse the decision of the previous States, but has not yet been able to find an alternative, acceptable solution. In view of such a track record, the States cannot be confident that the Committee will be able to succeed in delivering the complex changes to the secondary education system, which it is now required to do.

Fourth, the Committee has not demonstrated due care towards the island’s children and young people, which should be their primary concern. Immediately following the December debate, the President announced on radio that Guernsey “had lost an excellent school”, instead of providing clear and factual information about what the States had decided, and seeking to reassure all school communities that the transition would be managed smoothly and sensitively.

Members of the Committee have also shown a disappointing lack of professionalism in managing differences of opinion with staff, choosing to air these through public channels, including the Sunday Phone-In, before exhausting internal avenues.

States Members, on all sides of the debate, argued that the transition to a new form of secondary education, premised on non-selective admission to secondary schools, would be a complex matter which, for the sake of all the island's children and young people, could not be allowed to fail or falter. For such a transition to succeed, it must be led by a Committee which genuinely believes in the reforms agreed by the States; which is capable of engaging with all the issues; which will provide assertive and decisive leadership; and which will steer the islands' schools through a series of significant political decisions and potentially extensive school-level change with calm and assurance, in the best interests of the islands' children. The current Committee has not, so far, demonstrated that it is capable of rising to such a major challenge – and the scale of the impact on children's education is so considerable that the States must have full confidence in those charged with delivering this change.

The signatories to this Motion of No Confidence recognise the courage of all five Members of the Committee *for* Education, Sport & Culture in taking on a difficult and divisive political issue. Should the Motion be carried, there is nothing to prevent any of those Members standing again for a seat on a newly-constituted Committee. Nevertheless, it is the view of the signatories to this Motion that the grounds set out above are irreconcilable with the Committee continuing in its current form. All other approaches to resolving these concerns having failed, this Motion provides the States with an opportunity to give the current Committee a fresh mandate, or to re-form the Committee *for* Education, Sport & Culture with a membership which it believes to be capable of implementing the resolutions of the December debate in a timely, effective and constructive way.

In accordance with Rule 21(4)(b) of the Rules of Procedure of the States of Deliberation, the President and Members of the Committee were invited in writing by way of an email message sent to them on Friday 9 December, 2016, to tender their resignations from the Committee *for* Education, Sport & Culture. By Friday 16 December, 2016, one member (Deputy Marc Leadbeater) had done so and four members (Deputies Paul Le Pelley, Carl Meerveld, Andrea Dudley-Owen and David de Lisle) had not.

MOTION

These premises considered, we request that a motion of no confidence be laid before the States of Deliberation as soon as reasonably practicable, requiring the immediate resignation of the President and all remaining Members of the Committee *for* Education, Sport & Culture.

The above 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.

Yours faithfully

Deputy E A Yerby

Deputy C N K Parkinson

Deputy J P Le Tocq

Deputy D A Tindall

Deputy S L Langlois

Deputy H L de Sausmarez

Deputy R H Tooley