



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 2nd December 2016

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 5, No. 36

ISSN 2049-8284

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

Present:

Sir Richard Collas, Bailiff and Presiding Officer

Law Officers

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

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, Deputy 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, N. Inder, M. M. Lowe, L. B. Queripel,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

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

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. 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

A. J. Nicolle, Esq. (H.M. Deputy Greffier)

Absent at the Evocation

Deputy J. P. Le Tocq (*relevé à 9h 39*).

Business transacted

Evocation	2559
Billet d'État XXIX	2559
VII. Committee for Education, Sport & Culture – The Future Structure of Secondary Education – Debate Continued.....	2559
VIII. Committee for Home Affairs – The Population Management (Guernsey) Law, 2016 – Proposals to regulate the residential status of individuals in specific circumstances – Propositions carried.....	2573
IX. Committee for Home Affairs – The Population Management (Guernsey) Law, 2016 – Amendments to transitional provisions – Propositions 1, 2, 4 and 5 carried – Proposition 3 not carried	2579
X. Policy & Resources Committee - Schedule for Future States' Business – Proposition carried.....	2586
<i>The Assembly adjourned at 11.37 a.m.</i>	2588

PAGE LEFT DELIBERATELY BLANK

States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCAATION

Billet d'État XXIX

VII. Committee for Education, Sport & Culture – The Future Structure of Secondary Education – Amended Proposition not carried

The Deputy Greffier: Billet d'État XXIX, Article VII – The Future Structure of Secondary Education in the Bailiwick.

Continuation of debate.

5 **The Bailiff:** Well, Members of the States, you will remember that before we raised last night, clarification was sought from the Law Officers as to the clarification of one aspect of the Proposition that is before you. I see we have both Law Officers in the Assembly this morning. Is one of you able to provide the clarification that was sought?

Madam Procureur.

10

The Procureur: Sir, I believe we are ad idem but as Members have heard from me already on the States the day before yesterday, my views on that have not changed; but it might be helpful to hear it from the Comptroller as well for completeness. *(Laughter)*

15

The Bailiff: Mr Comptroller.

The Comptroller: Sir, thank you.

20

I have had the opportunity to listen to what was said and I can concur in that advice. I have even broken the Proposition down into the three constituents just for my own benefit and analysis. I think the Procureur's point was that the reference to selective admission to secondary schools is governed by the reference to selection by ability at 11 years, that appears earlier in the Proposition.

It seems to me that is a reasonable and proper interpretation and I understand it from what was said yesterday – I was not here – that is the intent. If that helps?

25

The Bailiff: Thank you.

So we have two lawyers agreeing! (*Laughter*).
Deputy Lowe.

30 **Deputy Lowe:** That is good! Thank you very much for that; and I thank you for that advice as well.

Providing they come back with that selection at 11, could HM Comptroller inform the States that that still would not preclude them from bringing something extra at any other time, in the same way as previous committees have done? They can add something to a report to give States
35 Members' options if they wish to do so – providing that initial one is there it does not preclude them bringing something else along as well.

The Bailiff: Mr Comptroller.

40 **The Comptroller:** Sir, if a Committee wishes to bring a proposal that is within its mandate, it is free to do so, of any type. This is not an exclusive direction; it is a direction that it does a particular thing, if that helps.

Deputy Lowe: I thank the Comptroller for that advice.

45

The Bailiff: Thank you very much.
Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir. I did not speak yesterday, but I would like to speak today.

50 Sir, there have been many speakers over the past few days who have presented well-thought-out and researched speeches. I cannot match their content or their eloquence but feel I must contribute in some way to this debate.

I firstly wanted to pick up on a couple of comments made by Deputy de Lisle in his speech: he talked about our economy and how it is in an unstable situation, and how delicate the economy is. I cannot agree more and it is the theme that Deputy de Lisle picks up on a regular basis –
55 control of expenditure.

I know we are not here to discuss the future estate of the schools, but it would be remiss of us not to remember that we currently have £140 million in the Capital Reserve, and that was the figure at the end of 2015. If we choose to retain selection at 11 we will more than likely require a full school model with additional cost of refurbishment and rebuilding of the college of further
60 education.

These are uncertain times and the increases to the balance of the Capital Reserve is dependent on some predictions that our economy will be strong enough to transfer £30 million in 2017, £34 million in 2018, and £40 million and £41 million in years 2019 and 2020. Whatever the
65 outcome of the vote today we need to manage expectations, as we may not be in a position to afford what we think we are voting for today.

Sir, I spoke in the March debate about failure, and Deputy Soulsby talked about this in her speech yesterday as other Members have during this debate. My speech in March was a very personal one for me and took a lot of courage. Some friends said afterwards I was foolish to share
70 my thoughts. I *can* say, unless it has happened to you, you cannot understand the feeling of failing the 11-plus, and that feeling continues for many children today and will continue tomorrow and in the future if you vote for the proposal before us today.

One thing I know without any survey or consultation is that Guernsey is obsessed with the 11-plus, and we often judge success throughout a person's life by pass or failure at 11 and what school you attend. It never leaves you, it creates a social divide; it is the Guernsey class structure. It
75 keeps people in their place. Or, as one person who emailed us, said, 'It won't do damage to those less academic, in fact it makes a level playing field as we always need carpenters, plumbers, watermen, etc. – those that do better with manual work.'

80 This is the sort of bigotry that selection still produces, this is not the kind of society that I want to perpetuate. I was reluctant for many years to get rid of the 11-plus system because I still felt for all those years it was right for Guernsey, and I suppose I was afraid of change. However, during the past few years I have come to see that the way we select at 11 is unfair.

85 I am not an educational expert and I have listened to the teachers, and I believe our current system does not give opportunity to all. We have all agreed that we want to see equality and inclusion for all in our community. If you truly believe in striving for that equality I urge you to abolish selection once and for all, and let's move forward with a system with equality of opportunity.

Thank you, sir. *(Applause)*

90 **Deputy Le Tocq:** Sir, may I be relevé?

The Bailiff: Deputy Le Tocq you wish to be relevé?

Does anyone else wish to speak? No?

95 I think, genuinely, there is nobody wishing to speak on this occasion. *(Laughter)* So I will invite Deputy Le Pelley to reply to the debate.

Deputy Le Pelley: Thank you very much.

100 Sir, Members of the States of Deliberation, as I said at the beginning of this debate nearly two whole days ago now, I make no apology for bringing the Selection at 11 Education Debate back to the Assembly for further consideration. It is, as I said then, a matter of the greatest importance to the future wellbeing of the Island of Guernsey; indeed, the Bailiwick of Guernsey. For what you decide today or tomorrow, or perhaps even the day after that, which is what I said before, we will have a great impact on all the schools in the Bailiwick of Guernsey.

105 Well, nearly 40 speeches later we are now almost ready to cast our votes. Some did not want this debate to take place at all; some thought that it would be just going over old ground and that nothing new would come out of the debate. The fact that we have had nearly 40 speeches proves to me that it was well worth bringing it back to the States for further debate. What was passed by a comfortable majority back in March 2016 at the end of the term of the last Government will, I think, be a whole lot closer today.

110 I am sure that as I proceed through my reply to the debate, quite a number of things have been asked to be clarified, which I will do my best to do as I come across them; and also a number of suggestions have been made about lines of future enquiry and reactions. I will also explain some of the actions and investigations that the Committee for Education, Sport & Culture have already begun to consider.

115 Since the last time we voted on this matter, some 25 Deputies who cast a vote to determine our path of travel have left this Assembly and they have taken their votes with them. Some 18 new Deputies have entered the new Assembly, seven fewer than left, because we have a reduced number of Deputies in the States since the adoption of the new Constitution, and those views have never been ascertained.

120 It would, in my opinion, have been very foolish in the extreme for the recently appointed Committee for Education, Sport & Culture to have proceeded to spend some 17 months on drawing up plans which were to be submitted by the end of December 2017, and which would have cost a great many man hours, time and money, only for the new view of the States – there are a possible 43 vote changes – to say: 'We do not like what you are proposing. Why have you wasted so much time and money? Why did you not consult with us earlier?'

125 Some have asked why it has taken us so long to get to this position today. Remember that this Committee only came into being on 18th May and had its first meeting on 24th. It has a *huge* mandate; there was a lot of outstanding work that needed to be completed, that had not been done by the outgoing administration; **(A Member:** Hear, hear.) a fair amount of induction to go through – still ongoing; and an extant resolution to look at which required a fair deal of research.

From a very early stage we said that we would hopefully bring this back to the Assembly for further consideration by the end of November 2016. We have done exactly as we said we would and the debate opened on 30th November. Hopefully it will be resolved one way or the other by the end of today, Friday 2nd December. I was going to say you never know when somebody might lay a last minute amendment, but I think that time has gone now.

I should like to start off by thanking everyone who has participated in this debate. I think everyone has been well behaved, you have all paid attention for most of the time, (*Interjections*) some have nodded off to sleep at times – but I do thank you for your attention. I should also like to thank all of those who took the time to write, email or call to express an opinion of the matter that we have been debating. I thank those people on behalf of all the Committee, not just myself.

Throughout the last three months, I have had only one awkward meeting and that was with a teacher who should have known better. But I am sure that I speak on behalf of the whole Committee when I say that we have been more than happy to look, listen and to learn. Not blindly or thoughtlessly agreeing with everything, but listening and taking on board things that have been expressed to us.

Personally, I must say that I have been a little surprised by some people with only two or three years' teaching experience telling me that they are the experts, and that I must listen to them as they know the children that they teach best. I am sure they do know them quite well. But I was a teacher in excess of 30 years and whilst I was a subject specialist with some educational knowledge, I would never have called myself – and still do not – an educational expert. Even so, I was always of the opinion that the parents know their children best.

So on to the debate. Several speakers referred to the 'Your Schools, Your Choice' consultation document which was issued on 21st September 2015, and that in turn referred to the July 2013 Education Department's vision entitled, 'Today's Learners, Tomorrow's World'. In particular, they referred to the main findings. More than 5,000 responses were received, reviewed and analysed and presented to the Education Board to help shape and inform proposals for the future of education.

The views expressed were varied and complex but included the following: arguments both for and against selection as the best way to achieve the best raw learners; a general view that the current testing method is flawed, as it is a single point in time measure and children can be coached to pass; a need to consider the level of funding provided to the grant-aided colleges and to link this to objectives in terms of social mobility, added value and progress – not just attainment; a recognition that students should have access to a broad curriculum offer, both at secondary and post-16 and that there should be flexibility to study a mix of subjects; that schools should not be too large that they become impersonal; and a concern that, without a definitive proposal for change, it was difficult to assess if any improvement in outcomes would be worth the disruption.

By far the two most popular methods chosen to decide how children should be selected to go into which secondary school in the future, were: (1) by attainment, how well they have performed at primary school; and (2) by potential academic ability, as now, the 11-plus. The favourite assessment methods for selection to the appropriate secondary schools were: (1) cognitive ability tests – the 11-plus or similar; (2) academic attainment tests – standard attainment tests such as SATS; (3) externally moderated teacher assessment – a teacher's judgement, independently checked, about a child's level of performance; (4) pupil progress from reception to year 6, that is between the ages of 4 to 11; and (5) teacher recommendation of which school would most suit an individual child. The majority believe that this selection should take place at the age of 11; though quite a number said that this selection should be reviewed at 13 or 14.

With regard to the number of schools to be provided, of the 2,064 people who expressed an opinion, 1,447 said that they would like to have a four-school model – one grammar school and three high schools. Parent, students and teachers all agreed that the two most popular methods of deciding which children should go to which secondary school in the future should be: (1) by

attainment, that is how well they have performed at their primary school; and (2) by potential academic ability, as now, the 11-plus.

185 The main comments and views that were recorded by various focus groups were as follows:
the current method of testing is not very robust, as it allows for coaching; it is limited in its
breadth and is undertaken at an age when some are more ready than others. All-ability schools are
better, but if selection remains it should not be by the 11-plus – two papers are not a good
enough assessment of a child's ability. The current system produces good results at the Grammar
School, so why change it? Selection puts pressure on students; the students are together in
190 primary and at 16, so why separate them for five years? Although the current system may not be
right, there is no evidence that another system is any better. Social and emotional issues are
created by the 11-plus examinations – this is detrimental to children's wellbeing.

This is all research which had been done and collated and brought back to the Island's
population.

195 It should be noted, however, that the online closed crowd – that is the educational
professionals working within schools, colleges and services – resulted in different responses. In
particular it was suggested that the current testing process was flawed, because it is a single point
test and is impacted by coaching; and participants highlighted the inconsistency between a
selective system and an education system which has embraced growth mindset and the idea that
200 intelligence is not fixed.

The idea that teaching staff should help in the selection is a good one; however, for many
reasons, it should not be left solely to one member of staff, both because of the pressure on them
and also the lack of checks and balances. Primary school teachers do know their students' ability,
but feel that the pressure of making a selection choice may well cause stress, plus parents will put
205 pressure on the staff to recommend their pupils to particular schools.

Over a six-week period, the Education Department gathered over 4,000 responses from across
the Bailiwick through different engagement opportunities. In summary, the main themes arising
from the consultation with Members of the Education profession were: a preference for a move to
all-ability schools; admission to secondary school to be based on catchment area; provision of
210 post-16 education via a tertiary college; the keeping of four secondary schools; a reduction in
college funding; and the introduction of means testing for special places at the grant-aided
colleges.

In summary, the main themes arising from consultation with members of the public, were: a
preference for maintaining a selective system but changing the way that selection was made;
215 retaining a sixth-form centre based at one school, and a separate college of further education; the
keeping of four secondary schools; a continuation of college funding and the introduction of
means testing of special places at the grant-aided colleges.

And in summary, the main themes arising from the focus groups was a preference for retaining
a sixth-form centre based at one school, and a separate college of further education; the keeping
220 of four secondary schools; more personal pathways to be made available for students; means
testing of special places at the grant-aided colleges.

They also had a Year 6 Young People's Survey and the summary was that there was a
preference for keeping the 11-plus as it is now, but allowing parents to choose which school their
children go to if the 11-plus is not to be in place. They also wanted to have smaller schools, of 500
225 and 600 pupils.

That was the summary of the actual assessment that had taken place in 2015, and you can see
from that that there is quite a dichotomy of opinion between the professionals – the teachers –
and that of the general public. This is where we come down to, how do we define things and how
do we resolve that difference?

230 We do have to listen to experts, we have to take their advice, we have to hear what they have
to say; but we are not here to do the will and the wishes of the educational experts. We are here
to reflect society; and there are an awful lot more people on the electoral roll in the Island of
Guernsey than there are teachers. So our first response and our most important group of people

235 that we have to deal with, as elected representatives, are the people on the electoral roll. So there
is an imbalance there. And of course right at the very heart of all this is the best interests of the
children and at the end of the day we have to consider them. We have been, and the term that
was used in education is, '*in loco parentis*' – there was somebody, I think, who had a different legal
term saying that we had to look at the best interests of the children on their behalf, as responsible
adults and as law-makers.

240 I want to go on very swiftly to talk about what my electorate told *me* – we have listened to
nearly 40 speeches and we have had quite a lot of issues raised. I want to address some of the
issues and some of the questions that were raised; and I would also like to explain, because I think
several people said what happened to them when they were door-stepping. I will tell you what my
electorate told me. I walked the same streets as five other Deputies in the Chamber, so we should
245 really have got much the same sort of answers, you would think. My electorate told me, the ones
that were in when I knocked on the door ... and I did try to go at various times to try and catch
people of different ages and different backgrounds, those that were working, those that were not
working, those with children and those without children, young and old, and I think I got a pretty
good cross-section.

250 I would imagine that I knocked on well over a thousand doors, and most of the people who
raised education or answered the question on education that I posed, came up with the following
statements – probably something in the region for every 10, seven or eight of them came up with
the same things. The first thing is they wanted to retain the Grammar School. (**Several Members:**
Hear, hear.) It was *crystal* clear. (**Two Members:** Absolutely.) No issue about it at all, it is a very
255 good school, it is part of our Island heritage: 'What on earth do you people in the States think that
you are doing in taking that apart?' *Very* strong. That came from people who said that they had
'passed' the 11-plus in their youth, or hoped to pass the 11-plus in the future, and those who had
not been successful.

260 Secondly, nearly everybody who said 'retain the Grammar School', said that they wanted to
improve the method of selection; they found the current 11-plus was not fit for purpose, it was far
too stressful ... and this in fact was an idea that had been picked up by the Trott/Le Pelley
amendment some time before, which had some support in the old House but not enough to carry
the day.

265 The third point that was *very* clear was that there was a desire to rebuild the Mare de Carteret
– *very* strongly expressed. They did not want children – and remember this is Guernsey distances –
being bused-in to St Sampson's from far away. Concern was expressed – and this is St Sampson's,
remember – about the traffic congestion. Now, we do have a one-way system around the
St Sampson's High School, it does get *very* busy at times and sometimes people feel that the
direction of travel is the wrong way. It was a bone of contention amongst many people. They also
270 expressed concern about the size of the school, not only the size that it might become – 960,
possibly, that is what they were led to believe – or even the 700-or-so that are already there now.
They thought the school was too big.

275 There was also some concern expressed about either real or perceived bullying and anti-social
behaviour within the area. Some people even supported the idea of two grammar schools but
were not so keen when they realised that the alternative might be two 'sink schools', if we can use
the term – the schools that might have more less-able students in them.

280 That fitted pretty closely to my views and I appreciate that it could be alleged that I only heard
what I wanted to hear. But in fact a lot of it was not led by me, I just listened. The result, for me,
was quite pleasant and I did from time-to-time have a word with other people who were also
panning the same district. And in fact, the two of us who topped the poles in that particular area,
both of us increased our votes quite considerably. Now, I cannot say it is purely on education, but
certainly from the number of people who raised the issue of education I am pretty sure that
played a big part in my re-election to post.

285 I want to just tell you a little bit about my background, so that you know where I am coming
from and why I value the selection at 11 model, not as it stands now, but as it is in place. I was a

290 grammar school student, many years ago. I went through that system. It was not the best of
educations for me then and I did not find it that easy – I did not go whizzing through it. I was
much happier playing sport than sitting down and doing my studies. But I did enough to get
through to teacher training and I went off and I qualified to do teacher training; and within my
teacher training and the first few years of teaching, I taught in middle schools and taught in first
schools and I also ended up teaching in St Sampson's Secondary. I did brief stints in both Castel
and Hautes Capelles over here as well. But I did 30-odd years at St Sampson's Secondary Modern,
later St Sampson's High School.

295 I just want to point out as well, that we actually may have had secondary modern schools back
in the 1940s, the 1950s, and the 1960s, but as we get towards 1985 when the grammar schools
become co-educational I think the girls and boys joined together, and when you get the GCE and
the CSE combined into the GCSE we are really moving into the high school era; it is different. So
you can forget a lot of the old secondary modern stuff that was being said because things have
moved on. High schools are not old secondary moderns.

300 As I said before, I was a subject specialist: English, history and a bit of local constitution, but I
would not class myself as an education expert. I think that we are in a very risky situation of
actually moving at the present time. I have spoken to other people who have gone through
different types of education. Some people have said they have had lovely experiences within the
comprehensive system. My wife, who is a French national, went through the comprehensive
305 system in France; she did not have a nice time in the comprehensive system in France, in fact quite
a torrid one. I have spoken to many friends, who live and work either in France or in Germany,
within the school system, and they are not looking for comprehensives, they much prefer to have
the opportunity to select.

310 I have two children. One has gone through Blanchelande and Ladies' College, she did very well,
she got a 2.1 at Durham in modern languages; and I have a son who went to Notre Dame, on to
the Grammar School, having passed his 11-plus examinations, and is now an undergraduate at the
UCL in London doing architecture – and will be doing, at great cost to me, for the next seven
years. I really do value those two forms of education that my children had. It would be wrong for
me not to stand up here and to praise the schools that they went through. But I have actually had
315 it said that by doing that I am supporting elitist education. I would like to put it on record, that
whilst those two schools, Ladies' College and the Grammar School, that I have mentioned just now
are extremely good schools, I also think all the other schools in the Island are pretty good too.

320 If I was given the choice, I never would be now, but if I was allowed to go back the school of
my choice to teach in would have been St Sampson's. It was an absolutely superb school. It was
not a big school, it had about 600 pupils when I was there and every child was known to every
teacher. If there was the slightest bit of shenanigans going on – and I am looking at somebody in
the well of the hall here that might remember one or two of them – it was a matter of click your
finger, name the person and the problem stopped. If you were in a school – and I think I may have
mentioned this when we were doing the election of the presidency of Education, Sport & Culture.
325 I did a teaching practice at Thomas Bennett in Crawley, 1,500 students on three sites, and the
teachers did not know each other. That is how silly it can become when you get into really big
schools. If the teachers did not know each other what chance have they got of controlling some of
these unruly children that they may come across from time to time? So I think small is beautiful.
Small works, I think it is best to be more of a family and know each other and be able to
330 understand what is going on. The pastoral care can be much better.

The Bailiff: Deputy Le Pelley, I am reluctant to interrupt you in your closing speech, but I am
being asked by some Members to draw your attention to Rule 17(4). I know you were very brief in
your opening, but Rule 17(4) does say that:

The Member who replies on the debate shall respond to the points made during the debate only and shall not
rehearse any new or further arguments.

Obviously the reason for that is –

Deputy Le Pelley: There is new, sir?

340 **Two Members:** Yes!

The Bailiff: – that people have no right to reply to arguments that were not put further.

So your personal experiences, unless they are in reply to points that others have raised, could be said to be a new or further argument that could have been raised in your opening. It was not,
345 and there are Members who feel that they have not had the opportunity to respond to some of the points that you are now putting. (**Several Members:** Hear, hear.)

As I say, I am reluctant to interrupt you but that is what the Rules say.

Deputy Le Pelley: Thank you, sir.

350 I was replying in the same kind of vein as those who had actually mentioned their own personal statements and I thought that I had the right to do that. (*Interjections*)

Also, sir when the –

The Bailiff: There is a balance to be drawn, I accept that, but you do need to be careful that
355 you do not stray into rehearsing new or further arguments that could have been raised by you in opening and were not.

Deputy Le Pelley: Thank you.

360 My own position would have been some *many* years ago that I would have probably favoured comprehensives because there was an imbalance. I think to a large extent that imbalance has gone.

When I was taking my students through their examinations the chances of them being able to move into the sixth form at the Grammar School was *very* limited. The types of exams, as mentioned by Deputy Fallaize – just to make sure I am on track – were GCE and CSE and they
365 were two different types of exams which led to two different pathways. As we have moved into, as mentioned, in 1985, the co-education of the Grammar School and more the formation of the high schools perhaps moving nearer to the year 2000, that joining together has now come together and youngsters can much more easily transition into the Sixth Form Centre, which is on the same site as the Grammar School – but it is not the Grammar School. I have heard quite a few people
370 saying that their children have actually transferred to the Grammar School – no, they have not, they have moved. They have transitioned from whichever school they were in in Year 11, into the Sixth Form Centre at Les Varendes. It is very important that is identified.

There were some questions that were asked about types of selection at 11 and someone said that there had not been that much put on the table as to what we could offer. Well, here are a few
375 suggestions: we could have – and I do not think many people would want it – the 11-plus as we have today. At the present time, under the rulings that we are working to, that will be in place in the next two years. They consist of verbal and non-verbal reasoning papers.

We could have some form of continuous assessment using coursework. That has been in a way knocked into touch, partly because one of my board members on a radio show said that was the
380 situation. It was and it was not; we had actually had a meeting with some of the head teachers who said that they thought it would be unworkable and that if were to go through the whole cohort, some 600 youngsters in a cohort, that that would be *very* unwieldy. I accept that. But it is possible that coursework could be being done by students all the time but the actual assessment that would be going on and those papers that would be looked at would be those that were
385 actually offering themselves for the process – those that wished to go into a different type of selective education. So you would not necessarily have to look at everybody in that cohort.

We could have extra maths and English papers set. Remember when I read out what the findings were at the initial enquiry was that some people had felt that the 11-plus had been brought down to only two papers and that was very narrow, so you could in fact add two more and have four. You could also have a mixture of both continuous assessment *and* maths and English papers; or you could have a public entrance exam at a neutral place. All of those are options; all of those are things that could be considered as we move on towards June of 2017.

Some people have correctly pointed out that coaching can give an unfair and temporary assessment at a temporary level. The old intelligence A, B and C, the one that you are born with, the one that your environment gives you and the one that is coached. And the one that is coached, of course, can fall away if it is not kept up to date all the time. I think they are some of the problems that were being pointed out from the other side of the Chamber, that this could actually leave youngsters a bit high and dry when that coaching stopped.

How can we prevent coaching? Should we prevent coaching? I think it would be very difficult to prevent coaching. In fact, all the way through my children's upbringing they were coached at home by me and my wife in various bits and pieces, most of it when we were helping them to do their homework. That, surely, is the duty of every good parent to become involved in their children's learning. So I cannot see that there is anything wrong with that type of coaching. I think, and I do agree with the other side of the argument, that where it is done to artificially raise someone just for the purpose of getting past an examination, then that is not right.

I think what is also morally wrong, and I would like the board to consider it and I am sure they will be considering it, is when someone who comes from a very affluent family actually puts their children back into the primary sector, the state sector, two years before the 11-plus (**Several Members:** Hear, hear.) to then actually – I am going to use the word 'rob' – take away from someone who could not afford it, a place at the Grammar School. I find that morally offensive, really. If you can afford it you should pay for it. I am hoping that we were going to bring in some kind of income assessment so that we can stop that kind of practice.

We could look at other things: the number of youngsters that are allowed to go to Grammar School, for example. At the present time the number of youngsters that are allowed to go to Grammar School is 25% of the cohort. At the moment that is, I think, just about 80 or so youngsters per year. But the Grammar School's capacity is for 129 pupils per year – why that gap? The gap is created because the head teachers have agreed that ratio is the ratio that should be there. They want to have a certain cream of their own – if I can use that term – in their secondary schools to enable those more able youngsters to bring along the less able and they feel that that is the number, the division, that needs to be there. But it is within the power of the board of the Education, Sport & Culture Committee to vary that figure and I think we did actually very briefly talk about it. We have not decided anything, but it is something that could, further down the road, be looked into.

There is another thing that can be done. As the law stands at the present time it is possible for children at the ages of 12, 13 or 14, should they be showing signs that they were put in the wrong place at the age of 11, to hopefully be able to be transferred across to a Grammar School place. Certainly the capacity is there, I have just told you there are 82 people there in a school with a capacity of 129, so it is possible.

In my day – sorry to go back to me – but in my day I think three students actually successfully transferred across from St Sampson's Secondary School, as it was then, into the Grammar School. I know that one of my colleagues who nominated people actually had fierce resistance from the head teacher and it was not allowed to happen. So it is not a fair and level playing field. I think there are things that we as a board can do to make it a fairer and more level playing field and to give these youngsters – should this selection of some sort at 11 go through – a better chance, a second chance, to actually get into the right level or the pace at which they are going to learn best.

I was also asked to explain about the borderline workings. Deputy Le Tocq gave some of his experiences when he was on the Education Committee, a few years back now. But the borderline

440 process really affects the children who have achieved scores which place them below the top 23%
– I think that is what you said yesterday anyway – but within the top 27%. So if you have got a line
where the 25% are, the top 23% go through, the next 2% are borderline and the next 2%
445 underneath that line are borderline, so you are looking at 4%. All the children in the year group in
that 4% will form what is called the borderline group. If that child's scores puts them in the group
then their test results and school work will be looked at by a borderline panel with a view to
allocating the top ranked children selected places. The borderline panel also looks at test results
and work of any children who the schools' head teachers feel should particularly and exceptionally
450 be considered, even though they may fall outside the automatic borderline group. So the head
teacher in a primary school can say, 'This child performed badly on this particular one day. That is
not their normal level of attainment and I wish them to be reconsidered.' That can happen. Or
there could have been some kind of traumatic event in their life.

The most traumatic event in the life that I have ever experienced was when a youngster was
coming in to do an English speaking exam and his pet hamster, which was the study, died on the
way to school. Boy, you want to try sorting that out! It is not easy. And I can understand, quite
455 clearly, how a person in that sort of situation would never ever perform at their best in an 11-plus
test. So it has to be there and it is there.

It is only in exceptional circumstances that a head teacher will make a request for a child to be
considered by the borderline group in this way. The exceptional circumstances that have to
pertain for a child to be added into the borderline group are that, (a) there is a significant
460 difference in the child's normal performance in school work and his or her scores in the test; or (b)
the head teacher is satisfied that any exceptional circumstances, as notified to them in writing or
by email by the parent or carer, are likely to have adversely affected the child's results to such an
extent that there is a significant differential between their expected and actual test scores.

The borderline panel will usually consist of the Grammar School and Sixth Form Centre head
teacher, a head teacher from one of the high schools and a senior officer of the Education
465 Department; no longer any political involvement. The panel will independently, using pre-agreed
scoring criteria, thoroughly assess each child's work and objectively discuss and consider the
comments from the school through face-to-face formal meetings with the child's class teacher
and head teacher. As a general policy the panel members' scores are then averaged and added on
an equally weighted basis to the combined average test score to give an overall ranking within the
470 borderline group. The top-ranked children will be allocated selected places up to the number
circulated to represent 2% of the overall year group.

I give way to you, sir.

The Bailiff: Deputy Le Tocq.

475 **Deputy Le Tocq:** I thank the President for giving way.

What I was referring to, just for clarification, was the borderline *appeals* process, which still
involves a political involvement.

480 **Deputy Le Pelley:** Thank you very much, I will get there in a minute, I think.

Now, the panel has the opportunity to observe work from schools across the Island and
therefore has a very secure understanding and knowledge of the process, the standards and the
expectations of Year 6. Being placed into the borderline group does not guarantee being
485 allocated a place at the Grammar School and the Sixth Form Centre or colleges; usually fewer than
half of the pupils in the borderline group are allocated selected places.

It then goes on to explain what happens if there are tied places and then the borderline panel
will actually come in and make a decision if there is a tie. There is a little pamphlet which is called,
'The 11-plus process and admissions to secondary education' and it is available, should anybody
want it, from the Education Department.

490 I was also asked to explain something about the federation. The federation was set up in 2014.
It is a professional association of an agreement, where teachers can actually move across and
support different schools. I have to say, that it is being *very* usefully used at the moment to help
out St Anne's in Alderney, where there have been a number of sicknesses and/or emergency
callings away because of illness in families off-Island. We are very grateful – I think I have to say
495 this on behalf of the Committee – to those teachers within the federation who have agreed to do
that. That is what the federation is there for, that is how it works. It is in its early days but it is
going well.

I was also asked, just to come back to the 11-plus process, I think Deputy Stephens asked,
what was going on about the current 11-plus process and could it be changed. The answer is that
500 the 11-plus papers are going to be sat in January and it is already in the process, it is too late to
actually do anything to change it now. However, in my dealings with the providers of the exam
papers it has been made quite clear that there are several different types of paper that can be
produced. There is a particular company that designs these papers, designs them for several areas
where the 11-plus continues, or forms of it, such as Northern Ireland and Kent, and it would be
505 very easy for them to even design our own paper and add extra ones in if we need them.

I have spoken to you about my experiences on polling day. I have spoken to you about my
background, as far as I was allowed, and so really I want to just talk about, very briefly, because I
think we need to get to the vote (**Several Members:** Hear, hear.) or perhaps not. (*Laughter*) I have
got this very long poem, sir, which I would like to ... no, I have not. (*Laughter and applause*) Sorry, I
510 could not resist.

I think we had some comment this morning about risk and the real worry for me is that we are
in difficult times, we have got people that are concerned about where we are going and what we
are doing; we have got to get this right, we are not going to have a second go at it. We have got
youngsters not knowing if a school is going to be rebuilt at the Mare de Carteret. There are some
515 mixed messages there because planning permission has just been granted but, of course, that
does not mean anything. It just means that the planning permission which was applied for by the
previous board has taken six months to go through the system. We have had a big debate in the
meantime, amendments came in at the last debate which actually saw us move from a four-school
model to a three-school model and that is the current position, so the Mare de Carteret is still up
520 in the air. And we need to resolve that sooner rather than later. (**A Member:** Hear, hear)

We still do not know exactly what is going to happen to the Grammar School, the extant that
the resolution said that it has gone, but we heard from the learned Procureur and Comptroller
that the actual mandate of the Education, Sport & Culture Committee, allows us to bring things
back at any time; and that a resolution is a resolution, it is not a law. And, if this is passed today,
525 and we do have selection at 11 listed in there, which does not preclude us from coming back with
any other type of age of selection. It has to have 11 in it, because that is what would have been
passed, but it does not restrict it just to that. It enables us to look at transitions between schools
at 12, 13, 14 if we so desire or even possibly having a 14- or 13-plus.

It has been argued that schools could actually be ... well, I mentioned middle schools before.
530 The middle school system runs in a three-tier system, it runs from age 4 or 5 up to 9, 9 to 13, and
14 to 18 or 19, and there are many areas where it has worked *very* successfully. And 14 is a very
good transitional age. I have heard some people say that they will be moving away from their
friends, it is their teenage years and all the rest of it, but 14 is a *very* good age. It is an age which
various youth organisations have chosen as their transitional age, where you go from the junior
535 section of a club or a youth organisation into the senior section. In fact, when the SATs were
actually set – Key Stage 1, Key Stage 2, Key Stage 3, Key Stage 4 – Key Stage 4 starts at 14 and it
goes on until 16. It was chosen mostly because of the work done by the youth organisations
which had identified a very big growth move not only in physical size but also in mental capacity,
and a willingness to work and get your head down and to move on to something else. So the idea
540 of a 13-plus or a 14-plus for youngsters moving from Year 9 into Year 10 is something that needs
to be explored, I would suggest.

We were talking about risk. I think we have got these people that we are at risk of worrying unduly. I think we have a risk of timing; we have a risk of transition. We have got a five-year programme to transition into whatever we are going to do. Is now the right time to do it?

545 I give way.

The Bailiff: Deputy Yerby.

Deputy Yerby: Would the President agree with me that those same risks apply to the development of a 14-plus system if the Proposition is agreed?

550

Deputy Le Pelley: I have not got anything about 14-plus in my Resolution.

Deputy Yerby: You have just said it.

555

Deputy Le Pelley: No, I said it could be looked at. But anyway, with respect, sir, I would like to talk through you to the Members rather than have somebody talking to me from the floor.

The Bailiff: Yes, through the Chair, please.

560

Deputy Le Pelley: I asked right at the beginning of the debate was it right to implement changes that were voted in March 2016. I do not think it was right for us to actually start implementing things or deciding things that late, it should have been left later. I think that we are in a position now where we do not know what is going to happen with Brexit. We do not know what is going to happen with the grammar school debate that is going on in the UK. We do not know exactly what is going to happen with the type of examinations that are going to be used in the UK or what might be developed in Guernsey. We really do not know what is going to happen to our own economy.

565

We cannot even get our ideas together to actually get our estates – this is the Island of Guernsey, not just education – into some kind of programme where we can guarantee continuous employment for the construction industry. There needs to be better joined-up Government, really, to make sure that all of these plans weld together and I hope that people on the other side, on the top over there, are making note of that. And if you just bear with me I need to clear my nose.

570

We heard quite a lot of excellent speeches yesterday. I do really want to warn people about just picking out the bits of polls and surveys that just suit them. **(Several Members: Hear, hear.)** There was somebody yesterday who actually mentioned something about only one in 30 teachers, or I think it was a 1:30 ratio that was mentioned, I cannot remember exactly what the detail was, but it was only one in 30 that had chosen something. It is very dangerous, because all of us, if you divide the number of votes we got into the number of people that actually voted or could have voted, or were in the parish or the district in which we resided, it could be argued if you turn it on its head that there are only about three of us in here that actually got a positive vote. Be careful how you use your facts and figures, be careful what you pull out to actually use.

575

580

One thing that I am going to pull out though, and I mentioned it right at the start of my reply, is that there is a difference between teachers' opinion and parental opinion – 62%, or thereabouts, of the adults that took part in that survey said that they favoured the retention of the Grammar School selection. I think it is going to be very difficult for us to overturn that strength of thought and view. Okay, I am not sure how many teachers there are in the Island or certainly how many of them were actually canvassed. I have got comments that have been coming through which have said that the actual surveys that were carried out were carried out in a very strange way. I have had some Grammar School teachers telling me that they only actually received notification that the ballot was going ahead very much towards the end, because their spouses had told them – spouses who were teaching at other schools – that this actual survey was going on.

585

590

I give way.

The Bailiff: Deputy Fallaize.

595

Deputy Fallaize: I am grateful to Deputy Le Pelley.

He says that some of the surveys were carried out in a very strange way. Well, there were only two and one of them was organised by his Committee. *(Laughter)*

600

A Member: Hear, hear.

Deputy Le Pelley: I was talking about the survey that was 'Your schools, your choice', and I think there were quite a lot of little sub-surveys within that. But I will come back to those other two in a minute.

605

I mentioned the number of youngsters in the Year 6 survey, who also thought that selection at 11 was right. But when you have got 61% of a number of people that turn out and vote I mentioned the number of youngsters in the Year 6 survey, who also thought that selection at 11 was right. But when you have got 61% of a number of people that turn out and vote, you have got to take that seriously; you cannot just say, 'Well, it does not fit my argument so therefore I am going to say, there were far more people on the Island who did not bother so I am not going to count those, or I am going to average out and put one of those in this camp and one in that camp and try to balance it.' You cannot. The people had an opportunity to reply and those who replied are the ones that you count.

610

I am sure when we have this referendum on the Island-wide voting, which I understand may not only have the one question that we were talking about when we debated it, but quite rightly you are allowed to amend it and put more in, which is why we are talking about the possibility of putting more things in ours. When you actually have that referendum, if only 10% of the population replies are you going to say that 90% do not want it?

615

So you have to be very careful; you offer this chance and you actually take the people that reply and they are the ones you consider as having expressed an opinion. With the others, you just have to say they either did not express an opinion or they could not be bothered – that is the way it goes. That is democracy.

620

I really wanted to finish off with something that I have got on here, if I can find it. I was going to explain to you what is happening in Jersey. Jersey has got a 13-plus or 14-plus which, as I understand it, is not in the best shape. The reason why I said that is because of something that they have actually expressed in their documentation. The States of Jersey Education Committee has recently published its aims, and these aims are: to catch up with standards currently achieved by the UK by 2018, and to catch up with the standards set up in the Bailiwick of Guernsey by 2022; and it says that Jersey's Education Department has unveiled ambitious new plans to improve teaching and exam results.

625

630

I say to you that if you vote today to confirm the decision made in March 2016, you will have made their task a whole lot easier. We have a very good education system in Guernsey – but not perfect. I have said that I am happy with the schools, I have enjoyed going to the schools and I have enjoyed seeing the work that is being done. But if we think that we have actually got it sorted, we have not – we are a long way short of where we needed to be.

635

Several people have mentioned in their speeches that we do not have to fund a military and we do not have to have massive amounts of money going out for asylum seekers. We do not even give out our fair share of aid to the third world countries, 0.7% of GDP I think is the rate – I am getting a nod, so that is right. And I think we are well short of that – not that we have got lots of money around – but even so we should be able to do a lot better than the UK. **(Several Members:** Hear, hear.)

640

Why we decide to try and put ourselves alongside groups that are actually performing at 21st, 23rd, 27th, or whatever, amongst the leading educational groups, I do not understand. And I want, by the end of this term, for us to have actually shown some considerable movement in that. I do not believe it is just by taking the Grammar School apart and by merging it into three or four high

645

650 schools. I think the high schools are doing a very good job, and I think that they can do better and we need to resource them better. We need to encourage them to keep going from strength to strength. But I do not think we are going to do anything by taking the Grammar School out of the picture. It is a very successful school. It produces examination results – GCSE, A-Level and International Baccalaureate examinations – of the highest level. It puts the school right at the top of the tables.

655 I mentioned risk before, why risk what you have got? It is a gamble. It is a gamble which will take a five- to seven-year transition period. Please do not gamble with the futures of our children at this time. Sometime down the road we might have to revisit it, but not now. Please, please support the amendment.

Thank you.

The Bailiff: Deputy Lester Queripel.

660 **Deputy Lester Queripel:** Sir, I simply ask for a recorded vote, please.

The Bailiff: There will be a recorded vote on the Proposition before you, which of course is the amended Proposition laid as a result of the Deputy Le Pelley/Deputy Meerveld amendment passed two days ago.

665 When everybody is ready?

There was a recorded vote.

Not carried – Pour 19, Contre 21, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Alderney Rep. Jean	Deputy Tindall	None	None
Alderney Rep. McKinley	Deputy Brehaut		
Deputy Ferbrache	Deputy Tooley		
Deputy Kuttelwascher	Deputy Gollop		
Deputy Mooney	Deputy Parkinson		
Deputy Trott	Deputy Lester Queripel		
Deputy Le Pelley	Deputy Le Clerc		
Deputy Inder	Deputy Leadbeater		
Deputy Lowe	Deputy Merrett		
Deputy Smithies	Deputy St Pier		
Deputy Graham	Deputy Stephens		
Deputy Paint	Deputy Meerveld		
Deputy Dorey	Deputy Fallaize		
Deputy Brouard	Deputy Laurie Queripel		
Deputy Dudley-Owen	Deputy Hansmann Rouxel		
Deputy de Lisle	Deputy Green		
Deputy Soulsby	Deputy Le Tocq		
Deputy Prow	Deputy Yerby		
Deputy Oliver	Deputy Langlois		
	Deputy de Sausmarez		
	Deputy Roffey		

The Bailiff: Members of the States, I can declare that the voting on the Proposition was Pour 19, Contre 21, I declare the Proposition lost. *(Applause)*

Greffier, we move on.

670

COMMITTEE FOR HOME AFFAIRS

**VIII. The Population Management (Guernsey) Law, 2016 –
Proposals to regulate the residential status of individuals in specific circumstances –
Propositions carried**

Article VIII.

The States are asked to decide:

Whether, after consideration of 'The Population Management (Guernsey) Law, 2016 Proposals to Regulate the Residential Status of Individuals in Specific Circumstances' dated 17 October 2016, they are of the opinion:

- 1. To agree to treat any period during which a minor is accommodated under a fostering arrangement in Guernsey in accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, as ordinary residence in Guernsey;*
- 2. To agree to treat any period of residence during which a minor is accommodated under a pre-adoptive arrangement in Guernsey in accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, as ordinary residence in Guernsey;*
- 3. To agree to treat a minor being accommodated in a fostering or pre-adoptive arrangement in Guernsey in accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, as being lawfully accommodated by the householder without the need to hold a Discretionary Resident Permit for the duration of that arrangement;*
- 4. To agree to treat any period of time spent by a minor in a fostering or pre-adoptive arrangement outside Guernsey in accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, as ordinary residence in Guernsey;*
- 5. To agree that students from the other islands of the Bailiwick being accommodated in accordance with the term-time host scheme coordinated by the Committee for Health and Social Care's Children & Family Community Services, remain ordinarily resident elsewhere than in Guernsey during the period over which they are being educated in Guernsey;*
- 6. To agree that students from the other islands of the Bailiwick being accommodated in accordance with the term-time host scheme operated by the Committee for Health and Social Care's Children & Family Community Services are lawfully accommodated by the householder without the need to hold a Discretionary Resident Permit for the duration of that arrangement;*
- 7. To agree to treat a period of time spent receiving treatment/care elsewhere than in Guernsey as ordinary residence in Guernsey so long as the person concerned:*
 - i. was ordinarily resident in Guernsey immediately prior to the commencement of that treatment/care; and*
 - ii. can demonstrate that, were it not for their need for treatment/care, they could reasonably expect to be ordinarily resident in Guernsey;*
- 8. To agree that (subject to Recommendation 9) time spent in prison in Guernsey (or elsewhere at the behest of a court in Guernsey), either on remand or as the result of a custodial sentence, should be:*
 - i. treated as lawful residence in Guernsey without the person concerned being required to hold a Certificate or Permit;*
 - ii. removed from a person's overall qualification period (so that the impact of the period of remand or imprisonment insofar as a person's ability to gain residential qualifications is concerned, is entirely neutral), and*
- 9. To agree that, where a person is detained on remand in circumstances that do not lead to a conviction, the Administrator should be required to ask him to elect on his release whether the time during which he was detained on remand should be treated as ordinary residence, or deemed to be time away from Guernsey; and if no such election is made, the Administrator should treat the person's period on remand, for the purposes of the Law, in such a way as appears to the Administrator to be most advantageous to that person; and*

10. To direct the preparation of one or more Ordinances in accordance with the provisions of sections 78(9) and (10) of the Population Management (Guernsey) Law, 2016, to give effect to Recommendations 1 – 9 above, including any necessary consequential and incidental provision.

The Deputy Greffier: Article VIII, Committee for Home Affairs – the Population Management (Guernsey) Law, 2016 – Proposals to regulate the residential status of individuals in specific circumstances.

675 **The Bailiff:** The debate will be opened by the President, Deputy Lowe.

Deputy Lowe: Thank you, sir.

680 The Population Management Law which is due to come into force on 3rd April 2017, allows for special arrangements to be made for people who need to spend time in Guernsey when they really live elsewhere, and for people who need to spend time away from Guernsey when they would otherwise be resident here.

685 Often these situations arise because we, as a Bailiwick, cannot meet the needs of all our residents in the Island they live in. These needs might be health-related, they might be related to education, or they will relate to people serving prison sentences. Whatever the reason, the introduction of the Population Management Law affords us the opportunity to be very clear about how we will treat these groups of people, insofar as their status under the law is concerned.

690 In some cases we propose that people can still accrue time that counts towards them being permanent residents, even if they are not physically present in Guernsey. In other cases we want to be clear that even though a person might be present in Guernsey for a period of time, they are not building up time that will count towards them gaining residential qualifications.

695 Sir, we also have situations for children within our community who need to be cared for outside of their usual family home. Sometimes this is a short-term situation but for others it can become long term and may well lead to the formal adoption of the child either in Guernsey or elsewhere. Happily for these children there are those in our community who give of themselves to care for them and we want to ensure that both the child and the care-giver are protected, because they fall outside the usual rules about the family members a person can accommodate in their home.

700 I hope Members will agree that the Propositions and the information in the supporting policy letter take a common sense approach to the various situations that it is designed to cater for. Having these things clearly set out in legislation enables us to administer the Population Management Law transparently and this is one of the guiding principles of the new regime agreed by this Assembly.

705 Finally, sir, can I reassure the Assembly that we have not overlooked other situations such as, for example, Guernsey children and young people away at boarding school, or in higher education, or people spending time away from Guernsey on work-related secondments, or away caring for relatives overseas. As a Committee, and in accordance with the responsibilities under the new law, we have already put in place policies about these situations and these will be published shortly.

710 So, sir, on behalf of my Committee I ask the Assembly to vote in favour of these Propositions so the necessary Ordinance can be drafted.

The Bailiff: Deputy Gollop.

715 **Deputy Gollop:** Sir, I would entirely agree with Deputy Lowe that this is mostly a sensible policy letter with a common sense approach to what is a complicated matter, and I will hope to engage more with the Home Department on how they wish to continue to monitor and implement the new Population Management Law.

I do have a comment on this and the subsequent policy letter that we have yet to come. There are two concerns, one minor and one more major. The first relates to the situation of incarcerated persons, prisoners. I think they put forward three options for dealing with that situation and they have come up with the fairest, or the medium, choice. But I would think in certain circumstances, somebody who would ordinarily have qualified after, say, more than a five-year sentence could be considered in the light of perhaps both their offence and their contribution to the Island, and their family and social links. As I understand it, this policy letter effectively goes down the route that let's say they did a two-year sentence, the two years would not in any way be seen as an extension of their period on the Island, it would be neutral; whereas there might be circumstances where that might have to be looked at.

But I think a more significant concern relates to the institutionalisation within policy, and even maybe legislation, about the circumstances of our young people across the Bailiwick from Sark and Alderney. I am not sure what Sark's population is – it could be as low as 400 or as high as 600 – but we do have a relationship with Sark, not only because of the great historical links of the Bailiwick, but some of our legislation and the Royal Court and financial services regulation of course applies to Sark.

The link with Alderney is much tighter than that. Alderney in some respects is in a federal relationship with us, and we welcome the two Alderney States Members and they quite properly have a vote and a speaking right on every issue. They are full Members of the Assembly and I would remind Members, not that they need to be reminded, that Alderney Members not only have transferred services but many Committees of the States do work there, from the Home Department to the Air Transport Licensing Authority, Education and Health. Most significantly from a democratic point of view, Alderney citizens although they are denied a direct vote, apart from the plebiscite for Members of this Assembly, therefore rarely have Members on the Upper Bench.

It has to be said that they pay full Guernsey social security and they pay full Income Tax, and that applies to companies as well. In reality, Alderney's young people have a tendency nowadays to be born in Guernsey; although the Mignot Hospital is extremely well-equipped and could cope in an emergency, most experts and specialists would advise mothers-to-be in Alderney to come over to Guernsey, quite understandably and properly, for the excellent services available on the Island.

So the scenario I am talking about is that these children are born in Guernsey, they live within the Bailiwick for maybe 18 years of childhood, they possibly have parents who have lower incomes than the norm in Guernsey. The population of Alderney – I do not know what it is – because believe it or not we have two different, contrasting census results. The Alderney census would indicate 1,900-and-something, but our e-census indicates over 2,000 – and that is a side issue, but I am intrigued by that difference.

But my point is that Alderney people should have at least the same rights as Open Market children, let alone Local Market children; many are from long-established local families and are distant cousins with names like Le Cocq, Sebire, Gauvain and so on. But this legislation and report before us institutionalises the fact that young people from Alderney who happen to be studying in Guernsey cannot gain additional rights in any context, even if they are here for what amounts to be nine or 10 months of the year, being students of our excellent Grammar School and maybe other schools as well, or indeed subsequently the College of Further Education, or the colleges or wherever they are studying. They are denied the possibility of building up residence so that they can work. And of course not only are we, the Guernsey taxpayer, contributing significantly to education, health and wellbeing but we are probably going to, rightly, sponsor them to university should they meet the required entrance standards.

I therefore will not be voting for this Proposition and would hope that the Home Department and States' Members consider working cross-departmentally – and also through the States of Alderney and Policy & Resources – through new ideas as to how best we can meet the needs of the northern Island and integrate the community more fully into our population management

770 system, allowing discretionary rights for Alderney people and *possibly* Sark people, given the state of their economy.

The Bailiff: Deputy de Lisle.

775 **Deputy de Lisle:** Sir, I am really pleased that the Committee has taken this initiative to support foster children, given the fact that periods of residence off Island are to be considered in a different way with respect to certain individuals. I think that making the foster children's rights very clear is very important to bring out, as has been brought out in this series of Propositions.

780 I think also this is the time to really support foster parents and the good work that they are doing in this community. I think it is extremely commendable of people to take on that responsibility and I think we should acknowledge that, and I think that is acknowledged through the Propositions that are indicated here.

785 I would like, though, for the President in summing up to try and elaborate on the Propositions, as I call them, 8 and 9 which are on the second page, dealing with people in prison, because I am not sure that it is absolutely clear in 8 and 9 as to the issue with regard to residence rights with local people who are incarcerated. But more important, perhaps, people from outside who are incarcerated locally, what are their rights? I think it is important to spell that out. I am not sure that 8 and 9 are that clear with regard to that – at least in terms of the layman reading those two paragraphs. So perhaps we can understand that a person from outside does not get residence rights as a result of being incarcerated in Guernsey.

790 I think that is something I would like to point out, but otherwise I would want to support this policy letter.

Thank you, sir.

795 **The Bailiff:** Alderney Representative, Jean.

800 **Alderney Representative Jean:** I would like to thank Deputy Gollop for his remarks and I would like to say that Alderney should be *completely* included. It is actually very important because what is happening here is – and I have mentioned it in part – that if Alderney's young people and our business continues to constrict in Alderney, as it is, and there is not opportunity after they are coming through the good education system that we have got here, which is a considerable investment in any community, and it is good, and it works well. But what happens – because there is not the opportunity within Alderney to build the business infrastructure and make it stronger – if these people go away and that investment is a brain drain and a waste to Guernsey? It has never been properly dealt with.

805 Deputy Gollop is more than right and you are looking at a part of the Bailiwick ... now, this may have been overlooked to a slight degree, but at some time it has got to be addressed and at some time there has to be *proper* working rights here for Alderney people and young children. And it is becoming more vital than ever as the economy on Alderney writhes and constricts. Our house prices are still dropping – it is extraordinary! Opportunity must be presented. And it is actually on a loss credit account for Guernsey, the investment in their education, because if these people go and make their careers and their lives elsewhere, then what can they help Guernsey and Alderney and the Bailiwick achieve?

810 Sark, of course, is in a similar position. These Islands must be included; we are part of the Bailiwick. I want that point registered. And I really, really thank Deputy Gollop for what he said today and I am thoroughly grateful. Thank you.

820 And thank you, sir, for giving me the opportunity to talk about this problem that I feel so passionately about. We should all be together in recession and the good times too, and here is a good example. I will do as Deputy Gollop has done and vote *against* this because we are not included.

The Bailiff: Deputy Soulsby.

825 **Deputy Soulsby:** Thank you, just briefly, and I appreciate Alderney Representative Jean's passion in this, but I really do not think this is probably the right policy letter for the concerns that the Alderney Representatives have. I suggest that more conversation perhaps with the Committee of Home Affairs might lead to something that could be debated in this House at some future point.

830 I just really wanted to stand to reiterate what was actually said in the policy letter, that it has been through the Committee for Health & Social Care and the Committee made a couple of points which were relatively minor, but just to give further clarification. Those elements relating to fostering, adoption and minors within this policy letter are all supported by our Committee.

The Bailiff: Deputy Graham.

835

Deputy Graham: Thank you, Mr Bailiff.

I just wanted to respond to Alderney Representative, Louis Jean, and Deputy John Gollop.

840 I cannot necessarily reply on the specifics that have been raised, but I would like to assure them both that the Home Affairs Committee as it is currently constituted, as far as I am aware, is extremely aware of the Bailiwick dimension that invariably applies whenever we are thinking of legislation. I for one really could not possibly be more aware of the Bailiwick dimension from my previous life.

845 I doubt personally whether anything has slipped through to Alderney's disadvantage in this particular case, but I cannot give an assurance that it has not. But I am encouraged by the fact that I am aware that there has been an enormous amount of scrutiny given to the whole legislative process in this particular case, and I would be very surprised if Alderney's position has not been given due attention. Certainly, you have a pledge from me that in the future as long as I am on the Home Affairs Committee you will always have that due attention.

850 **The Bailiff:** Anyone else? No?
Deputy Lowe will reply.

Deputy Lowe: Thank you, sir.

855 I will just start off with Deputy Gollop and I thank him for his support for most of the report here, certainly regarding the prisoners; and that also touches into Deputy de Lisle as well, who had concerns of what was this really about for prisoners, who do not want to lose their rights. But it stops from the moment they go into prison to the time they come out. It does not affect anybody who already has their local qualifications; this is all about people who have not actually received it yet. For example, if they were here on a five-year, and after two years they went into prison, it
860 would stop then; they could not accrue the time while they were in prison. So it is all about people who have not had residential rights yet, so it certainly will not affect anybody locally.

865 With regard to Alderney, we had a very helpful meeting we came across to Alderney, as the Committee, and certainly regarding Alderney children they had never actually been part of the pervious law when they come across here to Guernsey. I am pleased to see Alderney Representative Jean smiling and agreeing with that. We are happy to deal with Alderney at policy level, that is for sure, and take that on board. But also we have to be very careful that Guernsey does not encourage too many people from Alderney to come here when you are trying to get your economy to grow and keep your youngsters in Alderney.

870 So again there has to be that balance and it has to be a balance that we look after Alderney as much as possible without draining Alderney of more younger resources coming to live here in Guernsey. But we will certainly be working with Alderney, we are happy to talk to you at any time, and you have not been forgotten, so anything we can do under the policies we will do.

And I think that is all that needs to be added, I do not think that there are any other questions.

Thank you, sir. I ask Members to support the report.

875

The Bailiff: Deputy Yerby.

Deputy Yerby: Sir, in light of the concerns raised by Deputy Gollop and Alderney Representative Jean, perhaps we should have a separate vote on Proposition 5?

880

The Bailiff: That is what Deputy Gollop has asked for, yes. As I understand it – did I misunderstand, Deputy Gollop? Was that what you were asking for? (*Interjection by Deputy Gollop*) On 6 as well? (*Interjections*) No, it is 5 – (**A Member:** It is 5) Proposition 6 is actually favourable to Alderney students because it says they do not need to hold a discretionary resident's permit when they are in –

885

Deputy Gollop: Yes, so it is Proposition 5, effectively.

The Bailiff: Yes, it is Proposition 5. We will take 5 first and for the benefit of anyone listening I will just read Proposition 5:

890

To agree that students from the other islands of the Bailiwick being accommodated in accordance with the term-time host scheme coordinated by the Committee for Health and Social Care's Children & Family Community Services, remain ordinarily resident elsewhere than in Guernsey during the period over which they are being educated in Guernsey;

Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: In my view that was in favour of Pour, but if anybody wishes to challenge that there can be a recorded vote. But I believe that the Pours outnumbered the Contres. Does anybody wish to challenge that?

895

Alderney Representative Jean: I would challenge it.

The Bailiff: You would challenge that? That is fine. It was difficult because some people shouted louder than others! (*Laughter*)

900

So it is a recorded vote on Proposition 5.

There was a recorded vote.

Carried – Pour 19, Contre 18, Ne vote pas 0, Absent 3

POUR

Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater
Deputy Merrett
Deputy Stephens
Deputy Lowe
Deputy Laurie Queripel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Brouard
Deputy Dudley-Owen
Deputy de Lisle

CONTRE

Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Lester Queripel
Deputy Mooney
Deputy Trott
Deputy St Pier
Deputy Meerveld
Deputy Fallaize

NE VOTE PAS

ABSENT

Deputy Le Pelley
Deputy Inder
Deputy Le Tocq

Deputy Langlois	Deputy Smithies
Deputy Soulsby	Deputy Hansmann Rouxel
Deputy Roffey	Deputy Yerby
Deputy Prow	Deputy de Sausmarez
Deputy Oliver	

The Bailiff: Well, Members of the States, the voting on the Proposition 5 was 19 in favour, and 18 against. I declare the Proposition carried. (*Applause*)

905 We now vote on all the remaining Propositions together. Those in favour; those against?
I declare them carried

Members voted Pour.

The Bailiff: I declare them carried.

COMMITTEE FOR HOME AFFAIRS

IX. The Population Management (Guernsey) Law, 2016 – Amendments to transitional provisions – Propositions 1, 2, 4 and 5 carried; Proposition 3 not carried

Article IX.

The States are asked to decide:

Whether, after consideration of 'The Population Management (Guernsey) Law, 2016 – Amendments to Transitional Provisions' dated 17 October 2016, they are of the opinion:

- 1. To agree to persons first resident in Guernsey as minors who are resident in Guernsey on the coming into force of the Population Management (Guernsey) Law, 2016 ('the Law') having the right to benefit from the shorter residential qualification periods introduced by the Law;*
- 2. To agree to the amendment of section 57 of the Law, so as to provide that a person to whom it applies may only benefit from its provisions for so long as the person's circumstances do not change in any material way;*
- 3. To agree to the amendment of section 25 of the Law, so as to provide that, with the exception of a holder of a short term housing licence applying for a Short Term Employment Permit, the restrictions within section 25(1) and (3), and their disapplication in the circumstances set out at section 25(2)(b), apply also to a holder of an old regime document (as defined in the Law) who applies for a Permit;*
- 4. To agree to the amendment of section 83 of the Law, so as to provide that, subject to them meeting certain criteria, the spouse/partner of a Guernsey resident currently serving in HM Forces is able to have their residence during that period of service treated as residence in Guernsey; and*
- 5. To agree to the preparation of one or more Ordinances under section 75(1)(d) of the Law to give effect to the above Recommendations, and any necessary incidental or consequential provision.*

The Deputy Greffier: Article IX, Committee for Home Affairs – the Population Management (Guernsey) Law, 2016 – Amendments to transitional provisions.

910

The Bailiff: The President, Deputy Lowe, will open the debate.

Deputy Lowe: Thank you, sir. It is a good job you have got Home Affairs, it seems it is all Home Affairs' reports since we have been elected!

915 Anyway, sir, this second policy letter concerning the Population Management Law is a highly technical one. As Members will know, introducing the new Population Management Law is a significant undertaking for our Island, the like of which many of us will not have seen before and will not see again in our political careers.

920 In 2015, when the then Policy Council brought forward proposals for the transitional arrangements between the Housing Control and the Population Management Systems, Deputy Le Tocq, the then Chief Minister, reminded us that the proposals were in the best interests of the population as a whole, and that for most of us living in Guernsey the transitional process would be very simple.

925 But, sir, as I have fast learned since my Committee assumed responsibility for implementing the new law, making something look relatively simple on the surface often takes an awful lot of paddling underneath. And giving the myriad groups of people and different circumstances that the transitional arrangements have to cater for, it is perhaps not surprising that as the new law draws near and as we paddle our way through, testing different scenarios as we go, omissions must be dealt with and other adjustments are needed to ensure the law accurately reflects earlier resolutions and the spirit of the transitional arrangements, as set out in the 2015 policy letter.

930 It is also important that unintended consequences which we have found along the way are addressed before the law commences.

Sir, that is all that this policy letter seeks to do, to ensure the Population Management Law properly gives effect to the transitional arrangement resolutions resulting from the 2015 policy letter, and to plug gaps to avoid unintended consequences when the new law comes in.

935 So, sir, on behalf of my Committee I ask the Assembly to vote in favour of these Propositions so that we can draft the necessary Amendment Ordinance in good time before the law's commencement next April.

The Bailiff: Deputy Gollop.

940

Deputy Gollop: Whilst heartened by the last vote which suggests that the new Assembly is interested in looking afresh at some of the details of Population Management and by, I think, the open-minded attitudes shown by Deputy Graham and Deputy Lowe in looking afresh at issues, yet again I can only support four-fifths of the Propositions and I would like a separate vote on number 3. I will read the difficult Proposition:

945

To agree to the amendment of section 25 of the Law, so as to provide that, with the exception of a holder of a short term housing licence applying for a Short Term Employment Permit, the restrictions within section 25(1) and (3), and their disapplication in the circumstances set out at section 25(2)(b) ...

– to be or not to be –

...apply also to a holder of an old regime document (as defined in the Law) who applies for a Permit;

That is very convoluted but the impact of it, effectively, will make it harder for short-term permit holders to build up residential rights.

As the policy report says:

5 [Transitional Arrangements] – breaks in residence before being eligible for an employment permit

5.1 The law introduces the concept of a Recognised Break in Residence ...

950 – to my slight surprise that was not there in the old Housing Law, but it probably should have been.

That is to say, an absence from the Island that is at least as long as the person's last period of residence in the Island.

955 Now, we are hearing from the hospitality, retail and other sectors that they are concerned both for their staff and their businesses about the implementation of the new law, especially given the many issues we have already rehearsed this week about Brexit and so on. I am sure Economic Development should actually take a new look at this as well because this concept, as it is explained in paragraph 5.2:

... has been introduced so as to prevent a person 'stacking' multiple periods of residence under various types of Employment Permit ...

960 But reality, in effect, means that hard-working persons who work in sectors which do not provide massive incomes or salaries, are going to be disproportionately disadvantaged as will their businesses, because in other spheres where longer-term licences are granted the new regime is, if anything, an easier pathway to permanent residence.

965 But the *really* objectionable part of this – which is new, because we have already approved the bones of this policy despite Deputy Soulsby's amendments and so on – is that this introduces a new kind of retrospective legislation, because it has been decreed as policy that it will also apply to existing workers who are already here under residence that they have been given under a different style.

Paragraph 5.5 says:

The Committee for Home Affairs believes that the States did not intend to limit the need for a Recognised Break in Residence so as only to apply to gaps in residence between new regime documents. Rather, taking into account debate and Resolutions on previous Policy Letters, the Committee believes that, despite the absence of an express Resolution to this effect ...

– the *absence* of an express Resolution to this effect, I emphasise –

... it was also the intent of the States that persons wishing to return to the Island under the Population Management regime, having last been resident under an old regime document, should also be subject to the restrictions in section 25(1) and (3) ...

970 So I consider that is going too far, particularly at a time of economic uncertainty. We have heard a lot this week about equality and being prepared for Brexit – and of course many of these workers come from European Union countries – and I think we should at least take a moratorium on this and consider it further, not just the Home Affairs Department but the States as a whole, in conjunction with other Committees. So I would therefore wish to cast a negative vote on Proposition 3.

975 The rest of the report is fair enough and sensible, and it only proves that Home Affairs appears to have done a lot of their work quota.

The Bailiff: Deputy Ferbrache.

980 **Deputy Ferbrache:** Sir, for the second time this morning the advocacy of Deputy Gollop will persuade me to vote in the same way as him. It is not so much as President of the Economic Development Committee, it is as a Deputy of the States of Guernsey Assembly and it is basic decency. And that is the point that Deputy Gollop has touched upon.

985 The law will take effect in four or five months, or whatever the arithmetic is, in connection with this ... and by the way this speech might be a little shorter than the one I made yesterday! (*Laughter and interjections*) The law will have to be implemented, but I think it will not be too long before we are looking at significantly reviewing it and changing it, or whatever, because it is a law that has taken too long to come to fruition and it is a law that in many ways is out of date before it actually becomes in force in law.

990 That is the way of the democratic process, that is the time that things take, and it annoys me that things take so long – other than my speeches. (*Laughter*) But in relation to this, Deputy Gollop is absolutely correct. This this particular Proposition is not a Proposition that we should

995 support. The others I support, as he does, on a pragmatic basis I think more than a philosophical basis, because it just does not seem right. And if it does not pass the 'just doesn't seem right test', it is not fair.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

1000 I should firstly say that I am pleased we are actually debating these Propositions, as I voiced my concerns at the end of our last session that the Education debate may have gone on for too long and we would not get to these important Propositions. Having heard Deputy Gollop, I am certainly considering what he has said, and Deputy Ferbrache, and I do actually support the other Propositions, certainly.

1005 I would also like to thank the Housing Control for clarifying the position that has been of concern to many of the people who have contacted me; in particular, yet another leaflet explaining how the Open Market transfer and grandfathering rights will operate. I am very grateful for their support in answering all the questions I have addressed to them. As a result I do not agree with Deputy Gollop insofar as it is an opportunity to look at all the different Propositions piecemeal. I think there is a time and a place to address all these wider concerns, such as those of the residents of other Islands, such as Alderney; but also, of course, those in my electoral district of Herm.

1010 During knocking on the doors in Herm there were quite a few people asking why *they*, having lived there for so many years, had no rights either. I would support a review of the law wholeheartedly to address these concerns; and those of businesses that are really, really worried about how they are going to recruit and retain, and I hope that we will be able to do so in due course. I do not wish to flip-flop *at all*.

1015 I hope the role of the Population Employment Advisory Panel is going to be extremely helpful and it is important that their work is listened to and I hope it expresses these concerns. I will continue in the meantime to assist with those navigating the law to attempt to play, what I am calling, a game of musical chairs, because many residents who actually if they were able to stay in their present home would be entitled to grandfather rights; but because of the way the market is occurring, they are having to leave their homes and they are finding it extremely difficult to find a home on a set day of 3rd April. They have been on the Island for many, many years but because of the way the market forces are working, they are finding it very difficult to find a new home and be resident on the Island on 3rd April.

1020 Thank you.

The Bailiff: Deputy de Lisle.

1030 **Deputy de Lisle:** Sir, I am very pleased to note sections 6.3, 6.4, and 6.5 in the report, which deal with Guernsey residents serving in H.M. Forces and make reference to the children and the spouse of those individuals who are outside of the Island serving, who would of course retain their residential rights in Guernsey.

1035 There is one point, though, and I am just wondering why in the recommendations they do not refer to the children as well as the spouse, as part of the recommendations in recommendation 4. It just seemed to me that should be included there as well, to make it quite clear that the children as well as the spouse have their rights in law protected while being overseas.

1040 On the point that was made by Deputy Ferbrache, I think it is incumbent on the Presidents to make it clear what the situation is with regard to the housing laws. I just understood that Alderney could be used as a back door into Guernsey under the sort of provisions that he is talking about, whereby one does not respect the planning laws here in Guernsey to the full; whereby people could, due to the differences in the Alderney situation and Guernsey, come through a back door into Guernsey from the UK. I would like that to be explained, if I may?

1045 Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Yes, I will be brief.

1050 I will vote against Proposition 3, because I was surprised to see it. I certainly thought through the whole debates that we had that there would be at least some form of grandfather rights applied to these people, and this seems to go completely against that. So that is why I will vote against Proposition 3.

1055 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I also will be voting against Proposition 3 for the reasons which Deputy Ferbrache articulated. I think the environment has changed and actually we should not need to be as restrictive as perhaps was originally envisaged when this whole regime started its journey 10 or more years ago. I think the arguments which Deputy Gollop put in terms of what is fair and reasonable for the individuals affected, as presented by Deputy Ferbrache, are persuasive for me, sir.

The Bailiff: Alderney Representative Jean.

1065

Alderney Representative Jean: I, too, will vote against Proposition 3.

One of the things I want to address is Deputy de Lisle's point which is one that has come up before. I believe that between Alderney and Guernsey a way can be found to make sure Guernsey is not used as a back door, and that the qualification is an entirely local one, by putting a timeframe period on it that people of only a residency of let's say 20 years, which would give a child time to grow up and come into the Guernsey labour pool if they need to – which is of course naturally a benefit for Guernsey. If those people go elsewhere to work, the education that has been provided to them is to the benefit of those jurisdictions elsewhere – and that cannot be right. Therefore you have got a situation where as business is restricting in Alderney, you have got a situation of a brain drain here, and eventually it will have to be addressed or it is a waste of resources, a waste of talent and a loss to both Alderney and Guernsey. That cannot be right.

1075

So I will vote against Proposition 3.

Thank you, sir.

1080 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Sir, I want to just talk briefly about the Alderney situation.

I think Deputy de Lisle is getting confused. The argument always was when we had a Housing Law that if free movement was allowed between Alderney and Guernsey – and the restrictions of the Housing Law did not bite on Alderney – because Alderney allow free movement from the UK and elsewhere. And I know we do as well, as far as immigration is concerned, but we have a Housing Law that restricts where people can live – that does not apply to Alderney. The argument always was that people would be able to move into Alderney and then subsequently on to Guernsey.

1090

That, I think, even under the new legislation if we had a fully open border between ourselves and Alderney, would still be problematic and I do not think we could allow that to happen. However, I do think that the time has come that we do have to look at a clever solution to the Alderney situation. I think Alderney Representative Jean is quite right, I think it is too restrictive at the moment.

1095

I voted in favour of the law and against Deputy Gollop's recommendation in the last debate because I actually did not want a perverse incentive for Alderney children to have, particularly with

1100 the new excellent educational system we are going to develop Bailiwick-wide, for them to actually come to Guernsey in order to try and gain those qualifications. I actually think those staying at St Anne's School and studying there should have the same rights, but at the moment they do not really have any rights at all.

I think we could then draw distinctions between what I would call the genuine Alderney person born in Alderney or perhaps born in the PEH, and with a period of time, and say for those people there ought to be some movement to Guernsey. Deputy Lowe said, 'Be careful what you wish for', because we want the population of Alderney to stay. Well, with due respect to Deputy Lowe, there will be people whose educational attainments will be such that there will be very limited opportunities for them in Alderney, so the options open to them if they cannot come to Guernsey is to go further afield to the UK and be a loss to the Bailiwick, having educated them.

1105 I am absolutely sure that we are not so small-minded that we cannot find a way through this ... and this has really got very little to do with this policy letter –

1110 **The Bailiff:** It has got nothing to do with it! (*Laughter*)

Deputy Roffey: So perhaps I should say that like Deputy de Lisle and Deputy Ferbrache I am going to be voting against the retrospective aspects of this; but *en passant* can I say that it is time that we went back to year zero and had a proper look at how we can have a clever situation that resolves the Alderney problem?

1115 **The Bailiff:** I think Her Majesty's Procureur will correct me if I am wrong, but I think these Propositions had nothing whatsoever to do with Alderney! (*Laughter*) So the point has been well made and I am sure it has been noted by the Home Affairs Committee. But perhaps we can come back to the policy letter in hand?

1120 Does anybody else wish to speak on the current policy letter, on the current Propositions? Oh well, that has silenced you all! (*Laughter*)

Deputy Lowe will reply.

1125 **Deputy Lowe:** I am really grateful for that, sir, thank you very much.

Deputy Soulsby, there are already grandfather rights in the law for short-term housing licences. This is not about short term – it is about stacking an old five-year document with a new five-year document and becoming an established resident as a result. Paragraph 5.7 explains that section 59 of the law which this Assembly approved, deals with short-term permits.

1130 I do not think I really have anything to add to Deputy Roffey, because it did not apply to Alderney.

Regarding Deputy de Lisle, we do not need to do anything about this one because we have actually covered children in that – the spouse is already covered and we have included children in that. We are quite happy and confident that children are not being left out. It is already covered under the new law for those who are in the services.

1135 Have I got anything else here that needs answering? Oh, Deputy Ferbrache. We are working very closely with the industry, there is no doubt about that, we are taking on board ... and we have tried to say a few times that this is a very flexible law. It is a new law and there is no doubt some of it will have already caused some difficulties for, especially, the hospitality. But we have actually put that Panel in place and we have encouraged you to all, please, when you do get anybody who contacts you, go to the Panel. The Panel are there to represent those industries and they are the conduit to come to us. And we are working very closely with the hospitality at staff level and are trying to see what they can actually change in the policies, to try and accommodate those concerns.

1140 It is a flexible document – the policies – because we want to make sure we comply with what the States have approved in the Population Law, but also we are not there to actually make it very difficult for people to operate. But as a side issue for the hospitality, it is quite an interesting one

1150 for me because I can remember many times in the States – and I think I mentioned it not that long ago in debate – that the hospitality used to complain very often about the nine-month licences and then they would have to away for three months on a short-term licence. They wanted a longer period of time. We have now given them a longer period of time and they are actually saying that they perhaps preferred the nine months.

1155 We will work with the hospitality, but certainly I encourage them to go through the Panel and then that will come to us and we will look at the policies that we have got in place. So I ask Members to please support this report that you have got before you today.

The Bailiff: Deputy de Lisle.

1160 **Deputy de Lisle:** Sir, can I just ask why in fact children were not added to Proposition 4? And also, I would like the President to explain recommendation 3 – what is the position on recommendation 3? There was some concern relating to Alderney, can you please expand on that?

1165 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Did you say Alderney, Deputy de Lisle? (**Deputy de Lisle:** Yes.) This report is nothing to do with Alderney; the previous one was. There is nothing to do with Alderney in here. And just while I am on my feet the children, as I said, have not been left out as they were already properly covered in the law.

1170 I have not got anything further to add.

The Bailiff: We will have a separate vote on Proposition 3. I will not read it because Deputy Gollop has already done so. Proposition 3: those in favour; those against.

Some Members voted Pour, others voted Contre.

1175 **The Bailiff:** I think on this occasion the Contres have it, but if anybody wishes to challenge that we will have a recorded vote. There is a request for a recorded vote.

Recorded vote on Proposition 3.

There was a recorded vote.

Not carried – Pour 16, Contre 23, Ne vote pas 1, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Leadbeater	Alderney Rep. Jean	Deputy Dudley-Owen	None
Deputy Trott	Alderney Rep. McKinley		
Deputy Stephens	Deputy Ferbrache		
Deputy Inder	Deputy Kuttelwascher		
Deputy Lowe	Deputy Tindall		
Deputy Laurie Queripel	Deputy Brehaut		
Deputy Graham	Deputy Tooley		
Deputy Green	Deputy Gollop		
Deputy Paint	Deputy Parkinson		
Deputy Dorey	Deputy Lester Queripel		
Deputy Le Tocq	Deputy Le Clerc		
Deputy Brouard	Deputy Mooney		
Deputy de Lisle	Deputy Le Pelley		
Deputy Langlois	Deputy Merrett		
Deputy Prow	Deputy St Pier		
Deputy Oliver	Deputy Meerveld		
	Deputy Fallaize		
	Deputy Smithies		

Deputy Hansmann Rouxel
Deputy Yerby
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey

1180 **The Bailiff:** Members, the result of the voting on the Proposition 3 was 16 in favour, with 23 against. So I declare Proposition 3 lost.

We now vote on all the remaining Propositions 1, 2, 4, and 5. Those in favour; those against. I declare them carried.

**X. Policy & Resources Committee –
Schedule for Future States' Business –
Proposition carried**

Article X.

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 14th December 2016 and subsequent States' Meetings, they are of opinion to approve the Schedule.

The Bailiff: And finally, Greffier.

1185 **The Deputy Greffier:** Article X, Schedule for Future States' Business.

The Bailiff: Deputy St Pier, do you wish to say anything?

Deputy St Pier: Yes, sir, briefly, with your indulgence –

1190

The Bailiff: Absolutely, yes, I am happy to indulge.

Deputy St Pier: Well, you do not know what I am going to say, sir!

1195 Just to take the opportunity to wish *aen bouan jour de naissance* on behalf of us all, Deputies Paint and Green, happy birthday today (*Interjections*); and Deputies Soulsby earlier this week and I believe Le Clerc next week. (*Interjections*) It is the season for birthdays!

Deputy Brehaut: Deputy St Pier is misleading the Chamber; it is mine on the 5th sir. (*Laughter*)

1200 **Deputy Lowe:** And mine on the 9th. (*Laughter and interjections*)

Deputy St Pier: Sir, the Schedule is self-explanatory for a relatively short meeting, I suspect, on 14th December. I have nothing to add, sir.

1205 **The Bailiff:** Any debate?

Yes, Deputy Lester Queripel?

Deputy Lester Queripel: Sir, am I allowed to ask a question of Deputy St Pier regarding the P&R Plan meeting on June 18th?

1210

The Bailiff: Well it is part of the Schedule. I do not know whether he is ... Well, what is your question, Deputy Lester Queripel? *(Laughter)*

Deputy Lester Queripel: It is to seek clarification, sir.

1215 I just want to put on record that even though I was opposed to the P&R Plan, as a lone voice, I think it would be irresponsible of me to continue to oppose it, so I am going to do what I can to progress it. But my question is: at that meeting on 5th June, 2018, will that actually consist of specific propositions for us to deal with?

1220 **The Bailiff:** Well, I think that goes beyond the scheduling. I think that is a detailed question and I think if you want to lay that, it can be laid as either a written question or an oral question for another time. I think all we are concerned with today is the scheduling of the business. That meeting is one that is laid down by States' Resolution anyway, so it is not one that could be changed.

1225 The purpose of this *(Interjection)* is if people wish to change the scheduling of Items that are in the Billet. I think that goes beyond the scope of what we can debate at this stage, Deputy Lester Queripel.

Deputy Lester Queripel: Okay, sir, thank you.

1230

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Can I ask a question with regard to these meetings?

1235 Are we going back to a meeting at the end of each month, which certainly facilitates the deliberations of the Douzaines probably a lot easier? That is question one.

The second question is: are we also going to return to having a Billet for each meeting, consolidated together (**Two Members:** Hear, hear.) in one pack, whereby we know exactly what is coming up without having to go through our agenda copiously the night or so before to find out what articles are to be discussed and where they have been laying for a month or two?

1240

The Bailiff: Again, that question –

Deputy de Lisle: Thank you sir, if those two questions could be answered I think it would help a lot of people.

1245

The Bailiff: Again, they are not within the scope of this Item but it will be a matter for the President of the Policy & Resources Committee whether he wishes to answer them, I am not sure he can.

1250 But does anybody else have any questions or want to propose any amendments to the schedule? *(Interjection)* No.

Deputy Brouard.

1255 **Deputy Brouard:** Would I be right in assuming, sir, that possibly by the next time we have this scheduling, that we could put a proposition forward that the dates of the meeting had changed and go back to the calendar month? The lunar month seems to work better for me than it does this three week/two week, on/off bit.

So would that be something that the President of Policy & Resources would allow, for the dates to be amended to the end of the month? And perhaps a four-day sitting starting on a Tuesday would be a far better idea.

1260

The Bailiff: I do not think we can go into a debate about this at this stage.

Deputy Fallaize.

Deputy Fallaize: Sir, am I allowed to respond to Deputy de Lisle and Deputy Brouard?

1265 **The Bailiff:** Well, it has become a free-for-all, so why not? *(Laughter)*

Deputy Fallaize: Okay, I will speak for an hour and twenty-three minutes! *(Interjections)*

1270 In response to Deputy de Lisle and Deputy Brouard who both raised the dates of States' Meetings, the States themselves have established the dates of States' Meetings for 2017 and 2018. Obviously if either of those Members or other Members wish to bring a requête they could, it would no doubt be an immensely interesting debate. *(Laughter)*

But the dates are set by the States; they are not imposed by the States' Assembly and Constitution Committee, they were agreed by the States. And the 2018 dates were agreed very recently by *this* States.

1275 As far as the consolidated Billet which Deputy de Lisle talks about, I sent a circular to all Members some weeks ago, advising that the Committee was working with Her Majesty's Greffier, to get to a position where Members who have paper copies of items that are being laid before the States could have them either at the point of submission to the Greffier – item-by-item, as it were – or in a consolidated form once the States have established the items to be debated at the next meeting.

I am advised that has now been sorted out with Her Majesty's Greffier and that Members will see before the next States' meeting, in the middle of December, whichever choices they have made, whenever they wish to receive their paper copies, will be put into effect. So the sort of system that Deputy de Lisle talks about will be implemented immediately.

1285 I hope that answers the questions that those two Members have raised, even though it has nothing at all to do with this Item. *(Laughter)* But after Deputy Roffey's speech, it seems to have become a bit of a theme today, sir.

The Bailiff: Thank you, Deputy Fallaize, I am sure that was very helpful.

1290 Deputy St Pier do you wish to reply to anything?

Deputy St Pier: Yes, just for the avoidance of doubt because clearly on some occasions these things can bear repetition. Deputy Fallaize's point that it is not for P&R to schedule the dates of meetings and that it is a matter for the States under the Rules, it is merely for us to schedule the programme of business for the States to consider.

1295 So I have nothing further to add, other than that, other than to seek approval, sir.

The Bailiff: Yes, the Proposition then is to approve that Schedule. Those in favour; those against.

Members voted Pour.

1300 **The Bailiff:** I declare it approved.

And that concludes the business for this meeting and I thank you for your attendance.

The Assembly adjourned at 11.37 a.m.