



**OFFICIAL REPORT**

**OF THE**

**STATES OF GUERNSEY**

**SCRUTINY MANAGEMENT**

**COMMITTEE**

Disability and Inclusion Strategy

**HANSARD**

**Guernsey, Wednesday, 31st January 2018**

**No. 1/2018**

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**Members Present:**

*Panel Chair:* Deputy Chris Green – President  
Deputy Peter Roffey – Vice President  
Advocate Peter Harwood – Non-States Member  
Mr Mark Huntington – Principal Scrutiny Officer

**Business transacted**

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# Scrutiny Management Committee

## Disability and Inclusion Strategy

*The Committee met at 2 p.m.  
in Moulin Huet and Petit Port Rooms at St Martin's Community Centre.*

[DEPUTY GREEN *in the Chair*]

### Procedural

**The Chairman (Deputy Green):**

I would like to welcome everybody here today, elected representatives and witnesses, senior public servants, representatives of the third sector and members of the public.

5 Our session today is one of our regular public hearings looking at major issues of public and political concern, and our focus will be on the implementation of the Disability & Inclusion Strategy.

Advocate Harwood, I know you would like to say something.

**Advocate Harwood:** Thank you, Deputy Green.

10 Through the Chair, I would just like to acknowledge the fact that during 2014-15 I chaired what was called the Disability Legislation Group and I accept, I think, in the GDA's comments there is criticism of that group which I chaired. I fully accept that criticism. One of my greatest regrets during the term of my office in the States was that we were unable to develop or produce a satisfactory conclusion to the issue of the legislation. So I fully acknowledge that criticism insofar  
15 as it applies to me.

I am delighted now to hear that actually there is a dedicated resource being put into the development of legislation.

Thank you.

20 **The Chairman:** Thank you.

Yes, this is a subject which is not new to members of the Scrutiny Management Committee and we have considered this history when selecting our panel for today's hearing. On this occasion we believe that the overriding consideration is that the States has created a Scrutiny Management Committee and entrusted this task to those Members which it has nominated to the Committee.  
25 Therefore, we believe members should participate unless a conflict is established that means that it would be inappropriate for them to take part. On this occasion we believe that no conflict exists and that the previous experience of members adds to the Committee's understanding of these issues and does not preclude their involvement.

30 So our panel today comprises myself, Deputy Chris Green, President of the Scrutiny Management Committee, Deputy Peter Roffey, the Vice-President of the Scrutiny Management Committee, and Advocate Harwood.

Following this event, the Committee will decide whether any further review activity will be commissioned in this area.

35 Turning to the arrangements for today, I can confirm that the *Hansard* transcript from these proceedings will be published in due course. We have also committed to producing a video

capturing the questions and answers during the hearing that will be available via the Committee's website.

Can I just ask everybody who has perhaps any mobile devices to ensure that they are on silent please at this stage? It is essential during our session today that the Committee is able to hear from our witnesses without any interruption from the Public Gallery.

**EVIDENCE OF**

**Mrs Karen Blanchford, Mr Arrun Wilkie and  
Mr Rob Harnish, Guernsey Disability Alliance;  
Deputy Sarah Hansmann Rouxel, Disability Champion**

**The Chairman:** We have got two distinct phases. The first phase: can I ask for our witnesses to introduce themselves, starting at this end with Deputy Hansmann Rouxel, please?

**Deputy Hansmann Rouxel:** Deputy Hansman Rouxel. I am the States' Champion for Disabled Islanders.

**The Chairman:** Thank you very much.

**Mrs Blanchford:** Karen Blanchford. I am the Executive Director for the Guernsey Disability Alliance.

**Mr Wilkie:** Arrun Wilkie. I am a Director of the Guernsey Disability Alliance.

**Mr Harnish:** Rob Harnish. I am the Vice-Chair of social policy for the Guernsey Disability Alliance.

**The Chairman:** Thank you very much and welcome.

Can I start with Mrs Blanchford? Thank you very much for the written submission that the GDA has provided to us ahead of this public hearing and Advocate Harwood referred to that a moment ago.

It is quite clear that you are saying that there has been little tangible progress in achieving the core strategic objectives of the Strategy as stated in 2013 when the Strategy was passed unanimously by the States.

Can we start on a positive note? Do you think anything has improved for disabled people since 2013?

**Mrs Blanchford:** Yes, absolutely.

**The Chairman:** What has?

**Mrs Blanchford:** I think the fact we are having this conversation; the fact that now we have talked about the fact that legislation resources are coming; the fact that we are now on a project around the ERO, that we have two of those big pieces of work prioritised, two out of 23 of the P&R strategies. We have a dementia framework, an autism framework; there are some small areas around those and their implementation. We have full ownership within the Employment & Social Security Committee; we truly believe that the board there owns this, owns this as a strategy. Sorry, that is a civil servant point of view and from the committee point of view as a political point of view as well.

80 I think there have been changes. The audit that was done by the States brought it up: issues  
around customer service, around information, around employment. Those have not been shared  
to date but at least those have taken place. That is something that will come through.

**The Chairman:** Do you think those could be shared, certainly in the first instance, with the  
85 Scrutiny Management Committee?

**Mrs Blanchford:** That is not my call. I would like for them to be shared.

**The Chairman:** We will ask some of your colleagues.

90 **Mrs Blanchford:** Yes. That would be obviously up to the Civil Service. I believe those are  
currently with Paul Whitfield. Certainly our President of ESS is pushing for that.

I think the things that are really important for the Disability Alliance that are tangible – so can  
we access transport? – some improvements, maybe not as far as we would like them to be – have  
we got information? For example, websites available? Yes that is better. It still has a place to go.  
95 But at the end of the day I suppose the big news for us is there are obviously many work-streams  
within this that are more around rights and have those, up to recently, been prioritised? I think our  
members will still feel frustrated about that. But there has been progress and I would say the  
fundamental change has probably been in the last nine to 12 months and 80 % of our frustrations  
have been prior to that.

100

**The Chairman:** Just so we are clear what you are saying the positives are, can we talk brass  
tacks? What is better for disabled Islanders in this community now than it was a few years ago?  
Can you talk actual brass tacks? Can you give actual, specific concrete examples?

105

**Mrs Blanchford:** Okay. For each person that is going to be completely different. (**The  
Chairman:** Absolutely.) So, for example, let's start with employment. We have the Guernsey  
Employment Trust; that has been an excellent initiative. That is now bedded in, that is now  
working with employers doing workshops for employers, they have got a good practice guide and  
they have also got a charter for employers. It is starting to pick up, those who are signing up to  
110 that.

So is phase 1 of the Guernsey Employment Trust working? Absolutely. Have we got a way to  
go? Yes, again. That is a very tangible unemployment.

115

**Advocate Harwood:** Just from the fallout of this, how many people actually benefit from the  
GET initiative? Do you know roughly?

**Mrs Blanchford:** Oh, my goodness. I do. I know it has pretty much doubled or tripled from  
where it was before. I am sorry, you will have to give me a second. I have some numbers.

120

**Advocate Harwood:** So there is progress? More and more people are using it?

**Mrs Blanchford:** Absolutely. I can get those figures for you. I have certainly seen those. I  
cannot remember at the moment, but certainly the people who are placed and supported in  
there.

125

The criteria around employment has changed, so those that are using GET, it is wonderful, but  
it is stricter criteria than it used to be and so there are people who fall outside of GET; and those  
that fall outside, I would say, have been missed at the moment.

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**Deputy Roffey:** Can you just expand on that? What groups of people are not qualified to  
benefit from the service?

135 **Mr Harnish:** I will just take that because with another hat on at Ron Short...certainly people who once would have been able to find support no longer meet the GET criteria and so we see a greater influx into the third sector of people who are not easily employable but still need meaningful work.

**Advocate Harwood:** How fundamental was the change of criteria?

140 **Mrs Blanchford:** I think if you were the person who is now omitted from the wonderful service, it is very fundamental. I have respect for GET staying core to their focus, so that they can get that job done and do it well, which they are doing. But I suppose where we would like to see improvements is what happens when people fall outside of that and where is their voice and what is available to them?

145 **Deputy Roffey:** So would you like the existing service to have a broader remit, or do you think it is rightly focussed and there ought to be some other provision for people that do not fall within that remit?

150 **Mrs Blanchford:** My personal opinion is that I feel GET has got a good focus and it is doing well. That is my personal opinion. I should state I sit on the Disability & Inclusion Strategy board and I know there are conversations around it and there has already been work about identifying those gaps, but so far that service provision, as far as I am aware at the moment, is not in place. So that is an example within employment.

155 **Mr Harnish:** Again, from within the third sector, I would like to support the same thing. Our view is also that GET has very good criteria. The difficulty is as a partnership grows between the States and the third sector, how we actually manage to pick up some of the slack without sufficient support from the States. I think we are rightly targeting people, but the third sector is going to require a little bit more help to step up to the mark.

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**The Chairman:** Mrs Blanchford, you have given one example; any others?

165 **Mrs Blanchford:** I am not sure if everyone is aware, the difference between what affects anyone with a disability, or a carer – because we should point out, certainly from our mandate and the Strategy, it is disabled Islanders *and* carers – there are workstreams within that and there are employment frameworks that are around communication, autism, learning difficulties, dementia, the legislation, the information awareness raising, the audit of what we call the States' review, their capacity legislation and their safeguarding.

170 So those are the workstreams, but I like to think about it more around how much access to the community do our members have. So can they go to a restaurant easily? Can they go to the theatre? Can they access work? Can they access the right education? If we think around those topics there has not been as much speed around those as we would like to have had.

175 **The Chairman:** I think your written submission centred on three, didn't it, in terms of lack of tangible progress on the implementation of the Disability Discrimination Law, on the Equality and Rights Organisation, and on raising awareness changing attitudes – I think those were the three.

Shall we deal with those in turn? Why has there not been more progress made on the Disability Discrimination Law, for example, from your GDA perspective?

180 **Mrs Blanchford:** Yes, I suppose it would be useful if at some stage people can see our submission; there is nothing confidential about that. If you want me just to highlight that, the highlight I suppose for us would be that we did not feel there was the right resources put to that

185 project. When I talk about resources that is absolutely not financial; we should be clear there were resources that are in the public domain, so £250,000 put to that, of which is mostly still or half unspent. So when we talk about resources we are talking about resources around capability, so people with the right experience, we are talking about prioritisation so, i.e. has that legislation project been prioritised within the States? And we are talking about the, I suppose, political will to move that at the correct speed that we felt was necessary, when you are talking about rights.

190 **The Chairman:** What comes out of your submission – again, if people see it it does help – is there is a kind of clear distinction, isn't there, between what happened between 2013 up to (**Mrs Blanchford:** Absolutely.) the election in May 2016 and what happened since? (**Mrs Blanchford:** Yes.)

195 Before we go on to what is happening now under the Committee for Employment & Social Security, can we just spend a few minutes on exactly from your perspective what really happened between 2013 and up to the election in 2016? Where was the progress on the Law? If you start with the Law just for a moment.

200 **Mrs Blanchford:** Okay, so the Strategy was passed unanimously, there was a real euphoria and then that was split into something that Advocate Peter Harwood mentioned before, so there was a group called the Disability Legislation Group that had political membership, business, third sector membership, amongst others, and there was a steering group called the Disability Implementation Group (DISIG).

205 Those groups unfortunately – this is our opinion – did not manage to progress in that time –

**The Chairman:** Why not?

**Mrs Blanchford:** Why not?

210 **Mr Wilkie:** Do you want me to take that?

**Mrs Blanchford:** Yes, I think that would be good. (*Interjections and laughter*)

215 **Mr Wilkie:** Basically the implantation group for the Disability Strategy was a scrutiny group without many teeth really. The way it worked is that you would get various people who have had workstreams in the Strategy in and question them on their progress, (**The Chairman:** Yes.) but you did not actually have any teeth or any budget to do anything if they did not do what they were supposed to be doing.

220 What happened then is you would report back to the Policy Council through the Social Policy Group every quarter and then it was the weird situation that I would be berating the Ministers on what their staff had not been doing in the last three or four months, and then obviously they would say that this was terrible and they were going to go and sort it out and they would have another conversation similar to that about three months later.

225 But it is interesting that we did not have a Minister on that group or someone who could bring people to account.

**The Chairman:** Yes.

230 **Deputy Roffey:** What was the political structure then? The fact that it did not fall under one specific committee, that it was –

**Mr Wilkie:** It was under Policy & Resources, yes.

**Mrs Blanchford:** Policy Council.

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**Deputy Roffey:** Policy Council.

**Mr Wilkie:** Policy Council, sorry.

240

**Deputy Roffey:** Policy Council is of course fed into by lots of different people, rather than being a specific group. It is not as focussed as, for instance, Employment & Social Security is now. I do not know –

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**Mr Wilkie:** No, it is not. That was one of the issues and it got off to a very slow start because we had things like the recruitment of the Disability Officer. When the Strategy actually went to the States, at the time I was in the States and I took an amendment asking ... because I wanted the Disability Officer to be a senior person to be able to push this because it is a strategy that straddles the different departments in the States – or different Committees, as they are now.

250

So I did not want you to be prescriptive and say to the Civil Service, 'You have to have someone at this level,' so I asked for the job description and everything to be put through their grading system. Unfortunately it went into their grading system and it did not come out for about four months. I was expecting it to be a couple of days. When it did come back, the job description had changed and the responsibilities of the Disability Officer ended up being just a couple of the workstreams and not everything that we had envisaged.

255

We have ended up with a very good Disability Officer, but not doing the job that we first envisaged that they would do. Then after that four months, it took another nine months to recruit that person. So after the Strategy has been passed you are looking at 13 months before you have got one of the resources in that is actually mentioned in the Strategy.

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**The Chairman:** So what we are saying is clearly not a lot was achieved, particularly between 2013 and 2016 on the Law, on the Equality and Rights Organisation. Is that also true in relation to raising awareness, changing attitudes as well in that period –?

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**Mrs Blanchford:** I think we probably need to separate the two, if that is okay? So there is one difference between information, so whether that is physical information or information on a website, and there is a difference between raising awareness and changing attitudes.

270

The first in that period, I am afraid I did not come back to the Island and was not in this post until April 2015, I would say it was slow, certainly from what I have seen when we were doing that research, but in this period that is picked up, so we have signpost.gg, we have a connection for information that is certainly better than it was. But raising awareness and changing attitudes is still within our court. That is something that we have put pressure on more recently and has been accepted as a priority. So it was fairly poor in that period, yes.

275

**The Chairman:** Advocate Harwood.

**Advocate Harwood:** Can I just follow up? Towards the end of 2015 Policy Council did present an update to the States, I think, on the intended Strategy, and I think each department, as they then were, made their own comments as to what steps they were taking.

280

Have you been able to follow up from that actually to monitor whether what was said was true and how it is being implemented at each departmental level, or is that a step too far for your limited resources?

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**Mrs Blanchford:** Probably for the GDA to do that versus the States to do that, is a step too far. We absolutely read them, looked at that. I suppose the problem for the GDA, just in case people are not aware, is obviously we have no funding from the States. People believe that we are part of



the States, so I just want to clarify that we are not; we are a charity and independent. In our 10 years we have not received any funding for that.

290 As you are probably aware, at that moment there was also a social policy explosion, so we spent an awful lot of our time with things like SLAWS – Supported Living and Ageing Well, CYPP – Children and Young People’s Plan. So did we review those, did we take the time? We did not go back to every single person, but again our priorities – as in the GDA’s, versus the political and Civil Service priorities – are mostly around rights and the rights of Islanders. So we absolutely want everything on the ground to change but we can only put our limited resources to those.

295 **The Chairman:** We will come on to what is happening now and what has happened since the election in just a moment. I just want to push you on this. Do you think the GDA bears any responsibility for the lack of progress to date?

300 **Mrs Blanchford:** I think if you are referenced saying are we, I would use the word, ‘purist’ to what we want for our members and the rights that we want for our members and making sure our rights in our view are correct – I will reference Jersey in a minute – i.e. social model versus medical model –

305 **The Chairman:** We will definitely come on to that! *(Laughter)*

**Mrs Blanchford:** I absolutely – we; sorry, this report is submitted by the whole of GDA and not myself – we absolutely hold our hand up to being, in our way, scrutiny. Yes that caused some delay, but is that our role? At that time we were a campaigning body. We do not call ourselves that anymore. The Strategy is in. We are doing our best to influence now and support with research and reports and everything else. At that time, were we pushing and pushing and pushing? Absolutely. Has Jersey gone down a different route by not having a GDA? I have tried to say to them, we did make a submission – a very long one. Then we stand by that, but that was –

315 **Deputy Roffey:** Yes, just to clarify, you think probably some rights could have been in place now, I don’t know, if we had adopted the UK or a ‘Guernseyfied’ version of the UK law, but you wanted something better and that has affected the timescale? Is that correct?

**Mrs Blanchford:** I do not know if it is better than it is –

320 **Mr Harnish:** The long-term damage by implementing a poor policy is much worse than the delay of actually ensuring that you have a good policy.

**Mr Wilkie:** We have one chance to get it right, so let’s get it right, is our thinking behind this.

325 **The Chairman:** Obviously, the GDA works in partnership with the States – you did say ‘partnership’; do you think it is an equal partnership, Mrs Blanchford?

330 **Mrs Blanchford:** It has changed over time. No, is the answer! *(Laughter)* Has that got better over time? Absolutely. There is no doubt whatsoever that I feel that we have a seat at the table on boards and we have, to some degree, make some concessions around that.

Was it in the past? Absolutely not. At some of those meetings – DISIG, DLG – I think, points were made and those could easily have been ignored or not passed through or our voice not heard. But absolutely now.

335 **The Chairman:** Okay, can we come on to where we are now and where we have been going since the election, because you are much more positive about the change of Government, as it were, and the responsibility for disability policy and the Strategy moving to the Committee for Employment & Social Security. I think you have talked about your members having a newfound confidence in that Committee to progress the Strategy. Can I just press you on what has created that sense of confidence exactly? We will start with you, Mrs Blanchford.

340 **Mrs Blanchford:** Maybe if I could just clarify there, I do not know that we use the word 'members'.

I have a position that is actually quite difficult even within our executive. I sit on the Disability & Inclusion Strategy board and I cannot pass my executive, most of the time, let alone our members, the information. So I have a seat at that table and that is a very fine line between the difference between campaigning and having that. I am more comfortable because I hear the debate, I believe we have partnership, we have respect. Do our members still feel that? They are on the ground every day struggling, whether that is to get transport, whether that is to have access. So I would just like to clarify the difference –

350 **The Chairman:** Just for the record, I am quoting from your submission and I quote, 'In the past few months GDA members have a newfound confidence.' That was not my terminology. That was in the submission.

355 **Mrs Blanchford:** Okay. Alright, so in the past few months, I beg your pardon, versus 2015. So the difference between 2016 for me is our members probably did not, and the last few months I hope the things we have already mentioned, legislation and ERO ... Was your question around why?

360 **The Chairman:** Yes, essentially. What has created that confidence?

**Mrs Blanchford:** Okay. Confidence in just the last two months, or would you like me to go back slightly further, because I think it is quite important to go back to the political change?

365 **The Chairman:** Go back as far as you need to.

**Mrs Blanchford:** Okay. Towards the end of 2015 when it was still Policy Council, the key resource that was on Disability & Inclusion Strategy and all other social policy left and was not replaced and that meant everything stalled. We talked about stalling for nearly 18 months and in that time period we had a political change, we had obviously a change of Assembly, and then we also had a change of Civil Service. Normally, the Civil Service is static or continued; it was not. In the new Committee and the new ESS Civil Service everybody was new, including myself, because before that it was Rob Platts and Shelaine Green. So we are all sat there with absolutely no continuity and very poor notes to follow that through.

375 Fortunately, ESS were very receptive to that and so we spent nearly probably nine-12 months catching up doing induction. For that period there was very little movement. So did we have confidence in that first period, did our members have confidence? Probably not. Did we have confidence sitting in there with people with good business plans, people who were committed, people who turned up to every meeting? Absolutely. But was there a change? Not at that time.

380 Was there a political willingness? We were in that room in front of that Committee, the politicians, within three or four weeks sat there and they invited us in, we gave them an induction, we shared our priorities. So we saw that, but the change in the ground was not there. I really wanted to separate those two things. **(The Chairman: Yes.)**

385 Moving forward from that, I think the key then is around what was happening within the workstreams and the prioritisation. The issues in the past have been that we did not believe there

was political ownership, we did not believe there was prioritisation and there was not the capability and the skillset to make these things progress. Over that time we absolutely saw that change. So we saw a senior and a very high calibre member of staff come in to lead legislation. More recently we have seen that within the ERO, and more recently, yesterday and today we have  
390 seen that within the legislation project.

Prioritisation, calibre of staff, commitment – are the things that will make this Strategy move and they were not there in the past. Do we look back frustrated? You can probably hear it in my voice. Absolutely. Where are we today? We have those three things, I think.

395 **Advocate Harwood:** But you have benefited from the fact there were changes in Government that were put in place. (**Mrs Blanchford:** Absolutely.) It means that it is now anchored into one department –

400 **Mrs Blanchford:** One department that has a very good system of governance and project management, and a very good political Committee that is dedicated to this. So those two things have made a phenomenal difference. Has it gone fast enough? Of course we want it to go faster. Are we in a better place today than we were two months ago when we were extremely disappointed – October, November maybe? Yes.

405 **The Chairman:** Mr Wilkie.

**Mr Wilkie:** I guess it is a bit of a scary thing for me as well. Looking at the political board we have got, it is probably the best, the most pro-Disability & Inclusion Strategy board we could hope for than we have had in the past or probably will in the future. So there is a bit of a scary  
410 thing: (*Interjection*) I hope they get it done this term otherwise if we do not do it now we might not get it done, so this is why we are still pushing.

**Deputy Roffey:** With that in mind, we have read the news in the last day or so that experts from Ireland are being identified to go out and research five or six different countries to see which  
415 would be the best one for Guernsey. That is another phase that is taking up time before the next election. Do the GDA not know this; have they not already looked around the world and decided which they think are the best models to go with?

420 **Mr Wilkie:** Yes, we have.

**Deputy Roffey:** Who should we be emulating?

425 **Mr Wilkie:** That information, unfortunately, is not here. Mr Robert Platts has done a lot of that work. But they have decided they need to go off and do their own thing and cannot necessarily rely on our opinion – ‘We’ll go elsewhere.’

430 **Advocate Harwood:** Could I just publicly acknowledge the work that Rob Platts has done in this area, because he had done a lot of work actually comparing jurisdictions and I think we were working ... when I was involved they matched well with Canadian as the model to follow. There were difficulties with that.

435 **Mrs Blanchford:** This is why I am conflicted. We have other people who are conflicted. I sit on the legislation group so I see the work that we are doing – and so does Rob Platts actually, we both do – and that group is a significant change from ... Advocate Harwood has already acknowledged DIG is very respectful.

I have some – I do not know if the word is sympathy – with bringing in independent legal expertise through the ESS. It will be done in a fast timeline, it will be done with confidence that it

has not been done by a group who has provided phenomenal research – as in Rob Platts – but there is some independence of that.

440 So I sit a little bit on the fence on this, as in I understand why somebody may choose to do that. It is a shame that maybe three or four years ago that was not used, but for a Committee that owns that and it is now moving with that, this is where we are at.

445 **Deputy Roffey:** Can I put to you a concern of mine perhaps and just see what your take is on it? We have heard that they are very keen to get this tied up inside the current ... whether it is a Canadian model or a Norwegian model or whatever comes back and it does not gel particularly well with our existing body of legislation, and our legislative resources are tied up with the side effects of Brexit or whatever, I could see that you could identify the absolute perfect Law but it might take time before actually all the other Guernsey Laws can be adapted to fit it in. (**Mrs**  
450 **Blanchford:** Absolutely.)

I wonder whether compromise comes before getting the absolute perfect Law and getting in some rights in a relatively fast timescale.

455 **Mrs Blanchford:** Okay. I think you have hit the nail nearly on the head there on why Rob and I, both of us, have realised there is a compromise. For example, we were strongly in favour of Canada. We have a big difference to Canada; we do not have a constitution. So we could take Canada and we try to apply Canada to Guernsey and all of a sudden we have got this big block and they have got that block within the Law Office and everywhere.

460 So compromise – it has been around. As we have had respectful, intellectual conversations around the model, we have realised we have had to change our direction. Has that delayed things? Maybe, but the delay, as I mentioned before, has been mostly within the last three or four years, three years before that. So it needs to fit for Guernsey and we need to make sure that then obviously fits with the prescribing, the drafting within the Law Office.

465 **The Chairman:** Mr Harnish.

**Mr Harnish:** I also think it is a mistake to expect a compromise to be second best. One of the good things about a proper compromise is it draws out the best from both sides of the parties. We repeat the same point over and over again, and to implement a strategy that has not been  
470 robustly argued through is to just create long-term problems, and that is what we have seen in other jurisdictions. What we are trying to avoid is following pathways that other people have already followed that have led to complete chaos in terms of rewriting legislation, trying to adapt policies. We are saying does our Law fit? All those people who took a shortcut are having even more trouble fitting their law around the reality of the lives of persons with disabilities.

475 **The Chairman:** If you put to one side for the moment which particular jurisdiction is deemed to be the best, as an organisation are you saying that you still favour the social model?

480 **Mrs Blanchford:** Absolutely, there is no doubt about that whatsoever!

**The Chairman:** That has put that stake in the ground that you do not stray from. You still believe in the social model? (**Mrs Blanchford:** Absolutely.) So therefore you do not believe in the medical model? (**Mrs Blanchford:** Absolutely.)

485 Deputy Roffey.

**Deputy Roffey:** Excuse my naivety, I was not in the States when this came to the States. How many countries follow what you would call the social model? The UK and now Jersey are looking to get out of the medical model. Which is most common?

490 **Mrs Blanchford:** It varies and it varies between lots of different jurisdictions. I will give you a copy of Rob's overview because he summarises all of that, and we cannot actually split them easily – social and medical.

**Deputy Roffey:** No, of course, there is a great –

495 **Mrs Blanchford:** So the key would be between what type of jurisdictions. Do we want a UK model? If we spend a little bit of time researching then we would absolutely say not from anyone with a disability's point of view. Do we want something that is closer to Canadian, Australian, New Zealand, Irish? Absolutely. It is more about the ethos around that and it is split. We have got a table on it that we are more than happy to show as part of this pack. It is not clearly one or the other.

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So Jersey believes it has gone down the social model – (**Deputy Roffey:** But you don't.) It is not. It has in it a six-month medical element to it, so no.

**Deputy Roffey:** Just define is a medical model one where an individual with a disability can say, 'Look, I experienced difficulties and have overcome it because of me,' and a social model where there is just a presumption that everything should be designed to avoid that arising in the first place?

505

**Mrs Blanchford:** It's a very good question.

510

**Mr Wilkie:** We spent a year arguing about it! (*laughter*)

**Mrs Blanchford:** That's just what I was going to say! (*laughter*) How could I summarise it in two minutes?

515

**Deputy Roffey:** I am the new boy here so I am asking.

**Mrs Blanchford:** No, that is a very good question. How could I summarise it rather than one year's worth? This is my interpretation: within the medical model you need to prove you are disabled to say that you have been discriminated against. So if we are talking race, like if you are black, do you have to prove that? If we are talking any other characteristic, do you have to prove that you have been discriminated against? In the social model what we are talking about is in our society are there barriers that stop you getting employment, taking part in life? Are those the things that are stopping you? We absolutely agree that that is.

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525

**Mr Harnish:** Let me give an example. Jersey have now said you need to show ongoing problems for six months. You have a car accident, you have shattered your leg in several places, for three or four months you are not going to be able to walk. Should your employer make reasonable adjustment for you to be able to work while you are in a cast? Medical model, Jersey style – absolutely not, you cannot prove you are going to be disabled for six months so you are in complete limbo. We want to deal with issues as they arrive in the timescale over which they are in place, and not try to put people in boxes.

530

**The Chairman:** Like my colleague, I am not an expert in these matters either – disability and all that. I am just trying to get my head around, on the one hand, you are saying definitely the social model, no to the medical model; but on the other hand, you were talking about compromise a moment ago. How exactly does that compromise come in when talking about the social model, which does, to me, as a layman in these matters, sound like a counsel of perfection. I am not sure whether it is or not, but how do you reconcile?

540

**Mrs Blanchford:** That is interesting.

I think there is compromise in the way in which we do things and how we do them and how fast, and then there is a compromise in will people's rights absolutely be protected and will they have equality of opportunity? From our point of view – and actually I think I am right in saying that the States actually agreed the social model.

**Deputy Hansmann Rouxel:** Yes, it is in the Strategy.

**The Chairman:** We will come back to that. (**Mrs Blanchford:** Okay.) I think you are right, but anyway –

**Mrs Blanchford:** Just to be clear, I have a past life as an HR director and a business owner. I am not denying that it will be possibly quite difficult for businesses and goods and services and education to get their heads around that. It is much easier to put people in a box. Is that the right place to put them? If we want to talk about eliminating discrimination then we feel that we absolutely should not, and that has been, to some degree, the delay and one year of debate within the room. But that is, I would say, a non-negotiable in our mind, but other things are 'compromise-able'.

**Advocate Harwood:** Are you satisfied that there is adequate budget now being put to this project, this Strategy?

**Mrs Blanchford:** Budget has not been an issue. Obviously things like recruiting legislation experts into the Island is different. The prioritisation within P&R hopefully brings with that a different way of accessing budgets.

To be honest, at the moment I still do not believe budget is the issue as of today. Is budget an issue going forward? Absolutely. Are we committed to this? Will there be the right resources for that? We have not had a debate about the ERO – the Equality and Rights Organisation – yet and what that will look like. We have not done raising awareness and changing attitudes – and when I say we I should separate that, the States, sorry. So at this present moment in time and the past, it has not been a budget issue; going forward it is the board's priority.

**The Chairman:** If we can park the Law for the moment – I am sure we will come back to that with the politicians – in terms of the Equality and Rights Organisation, from the GDA's perspective, what would that body do exactly?

**Mrs Blanchford:** That is a very good question. It was our ERO meeting yesterday and that has not been decided; we are actually negotiating or talking about the model that we were presented with P&R and building the business case. So the business –

**The Chairman:** That is not, 'What will it do?' but, 'What should it do?'

**Mrs Blanchford:** Okay. At the moment the Equality and Rights Organisation, in its bare minimum needs to inform and educate. We do not have that anywhere and anywhere that is independent of the States. That would be the absolute bare minimum.

What it could then do on top of that, would range from anything from monitoring to quasi-judicial, to anything like ACAS or any of those. What it should do and what it could do – you talked about compromises just now – that is actually going to be for us to put a business case together and for that to be debated. I would hope that absolutely bare minimum we reach a point that this body is pro-actively working with the community, with businesses, with the right groups to ensure that we are informing, educating and understanding where we are within discrimination. We must emphasise this is an equality and rights organisation, not a disability rights organisation.

595 **Deputy Roffey:** That is what I was going to ask. Do you see it specifically focussing on disability issues or do you see equality issues being quite broader than that but obviously encompassing disability?

600 **Mrs Blanchford:** I am not sure if everyone is aware. If you look at equality in its broadest context and just pick out a number of characteristics, we have no discrimination Law in Guernsey for any characteristic across all areas – employment, goods and services, education etc. We have something within sex and employment, for example; we do not have CEDAW? and we do not have anything around goods and services. So if you take a great big grid we have a tiny little cross in equality. Next up is disability. We have age. We have everything else – race, religion, all of those, to come.

605 To do that effectively I personally believe – and we have canvassed and understood and compromised in the GDA around this – that equality in its broader sense needs to be understood and that is why it is an equality and rights organisation that helps us, that helps everyone else who has been discriminated against. If we, and when we, are, the first piece of legislation that comes up, it means it will be prioritised.

610 **Deputy Roffey:** When it has been spoken about in the past as far as gender discrimination, the focus seems to have been almost exclusively on the workplace, but of course that is only one part of life. (**Mrs Blanchford:** Absolutely.) How would you see this body; do you see it focussed on the workplace, or do you see it much broader than that?

615 **Mrs Blanchford:** This is the other dilemma within Disability Legislation Group. We absolutely – and this is where the GDA has been firm again on social and medical model – believe that it absolutely must be around goods and services and accessing those. Employment is excellent. Well, if you are under 16, 15, if you are over a certain age, you are not in employment, but guess what, you still want to take part in life. Accessing goods and services is crucial to equality of opportunity and in many ways that is discriminating – you know, to bring one first.

620 I have to say – and this may sound quite critical – if you look at sex and only being in employment, that has not moved for a long time. To say, 'We will do this first and that will come later,' I am afraid that confidence is not there. We absolutely believe that we need to do it all together. That makes it a very big piece of work but it absolutely should be about equality of opportunity across all areas.

630 **Advocate Harwood:** Can we just go back to the Equality and Rights Organisation? One of the key issues around that was in order to satisfy the United Nations Paris Principles. (**Mrs Blanchford:** Yes.) As I read that, I suspect there is not much ground for compromise if we want to be able to satisfy those particular set of principles.

635 **Mrs Blanchford:** When we looked at this only just yesterday – as I say it is very fresh at the moment – I do think there is. We were, up to yesterday, looking at a range of models that went from absolutely bare minimum working its way up. We can have an opinion on that, but that is not ours, that is ESS's and politicians to decide. But there is also space to approach whether, for example, you are going to have a non-statutory body doing the informing and educating piece before it becomes a statutory body. There are examples around whether it could be Channel Islands; what it does and does not include in the way of employment.

640 So I think there is absolutely compromise. The key is how things are split between the Civil Service, a non-statutory body and any third sector input. At the moment I do not think any of us are far enough along on that.

**Deputy Roffey:** You refer to a non-statutory body but you can have bodies –

645

**Mrs Blanchford:** Up until the legislation is passed.

**Deputy Roffey:** Okay, so there is no statute to make it a statutory body at the moment? Okay.

650

**Mrs Blanchford:** Yes, sorry. Thank you for clarifying.

One thing that we believe is really important and I believe that we have got the support of the Committee, is that you need an equality and rights organisation before you have legislation. Imagine you are a business, where do you go?

655

**Deputy Roffey:** To help inform them.

660

**Mrs Blanchford:** Where do you get information? How do we inform, how do we educate? We want to put people at ease, we want them to understand what it means; and you need that to prepare the community and businesses for the legislation. The legislation, even if we get that policy letter, this year, in front of the States, we are talking drafting years, but we can start changing people's attitudes.

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**Deputy Roffey:** Sorry to ask you a fairly base question, but that body will have quite a big job of work to do, (**Mrs Blanchford:** Possibly.) it will take a long time; do you see a lot of paid employers or do you see a mix of paid and voluntary, or how do you perceive that?

670

**Mrs Blanchford:** Okay. Quite a tough question again because literally yesterday we were debating that. The business case goes in spring, so we are only a couple of months away from that. I think it might be a question it would be fair to ask next. I feel slightly conflicted as I sit on that board. I personally am not seeing this huge body but again it probably comes back to capability and capacity and pure partnership.

675

Deputy Chris Green asked me earlier about partnership. It did not exist three years ago, it does now. If you have true partnership there is no reason why there could not be support around that and working together within the ERO, but the ownership absolutely has to be there and it has to eventually be non-statutory so it is independent. But we do not know will it have a monitoring role, we do not know will it have a quasi-legislation role – as in will it be pre-tribunal. We do not know –

680

**The Chairman:** Quasi-judicial. Yes...

685

**Mr Wilkie:** Could I just make a point there? I think what we need to do is actually be honest with this. When this policy letter goes to the States it needs to be where it is going to have paid staff and it needs to have that budget put in it, because we know what happens if it does not, which is one of the problems we have had historically.

690

**Deputy Roffey:** As somebody who was not in the States in 2013, it feels like a policy letter pretty much un-costed which was easy to sign up to because people were not signing away a particular amount of money. I know you have said it is not financial, it is staff, (**Mrs Blanchford:** It is part financial) but it does feel to me as if ... Yes, okay. You are right. I think you must not over promise and under deliver.

695

**Mrs Blanchford:** Yes, actually that is a phrase that has been used globally.

695

**Mr Harnish:** I think it is important to remember that we may not be looking at an even cost. Establishing the ERO there is going to be an awful lot of work in the initial stages as legislation comes in. We would expect that to taper off, so you may want to say we are going to need two or



three paid staff for three years and it is going to phase down to one permanent staff member as the initial demand tapers off as well.

700 **Deputy Roffey:** If you had scores of appeals from a statutory body about discrimination then we have failed really, haven't we, because it means we have not got rid of the –

**Mr Harnish:** We have not got it right at the beginning.

705 **Mrs Blanchford:** That is a really good point and I would really like to emphasise that the idea behind this body and certainly why we are just such a big family is that if we are doing a lot of that pre-work then ... We are not wanting people to go to tribunal, we are not wanting to go through the courts. That is why this is really important.

I would just like to emphasise again when it gets to budget and the debate, we are talking  
710 about an equality and rights organisation, not disability. So it is paving the way for what will hopefully come – whether that is age next, whether that is racism, whichever areas come next.

**The Chairman:** Okay. Have we got any other questions for the GDA members?

715 **Deputy Roffey:** Just one specific question. You referred to the Autism Strategy before where I know we have got representatives of HSC later, media reports the last day or two about no new registrations of people with autism. I do not mean to distrust the media, but what is the situation on the ground as far as you are concerned?

720 **Mrs Blanchford:** It is a critical situation. It absolutely is.

I think we need to separate probably two things – and it came up within our report. ESS is responsible for the strategy but the workstreams are co-responsibility, mostly with Health & Social Care after that, and there is quite a big difference between getting a framework in place, which is what the strategy is about, and then delivery of services. Within that – the same with autism as  
725 with dementia are deliverables that are core to having a service, and unfortunately, due to the resources leaving them, not being available, there absolutely is a crisis point with being diagnosed.

**Deputy Roffey:** So in paediatrics new referrals are not being taken, as you understand? That  
730 was the report that I was picking up from the media the last couple of days.

**Deputy Hansmann Rouxel:** If I can step in there, with my little sandwiched in role, between the GDA and the States, but also in the States.

That particular work stream – so the framework was put in place and diagnosis pathway was  
735 put in place, and the pathway itself is a direction that you go in, different steps. The second big step is a panel and one of the people on that panel would be the paediatrician – that paediatrician is leaving at the end of January. Should there be something put in place while they look for a different paediatrician, that would be up to HSC to look with the MSG – whether there is a locum coverage or how they deal with that.

740 In terms of their decision to not take referrals and build up a waiting list, they need to signpost properly to what other areas of support are available to them. But that piece of work is an operational side rather than the policy –

**Deputy Roffey:** The strategy is done and it is right, but it is just a question of implementation.  
745 **(Mrs Blanchford: Yes.)** I say 'just' – it is more than just –

**Mrs Blanchford:** Yes.

**Mr Wilkie:** No-one can access it, that is the problem.

750

**Mr Harnish:** My understanding is that you cannot access it, but there will not be a waiting list either, because you cannot go on a waiting list if there is not one, which means we just have a black box.

755

**Deputy Roffey:** Yes, try telling parents that the strategy is fine and it will not mean much to them!

760

**Mrs Blanchford:** I think you have highlighted a point that is really core to us and our role. As most people are probably aware, the Guernsey Disability Alliance is a member organisation, we have 40 member charities, and our core role is around the Strategy – two key strings around legislation and the ERO. It does not mean any of the other workstreams are not equally important but they sit with our member charities.

765

**Deputy Roffey:** I understand that.

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**Mrs Blanchford:** We only have one paid employee – myself – part time and finishing in April, and to cover all of those is not possible. It is really important that that member's voice is heard and that the ongoing issues around disability and crises that happen in different areas are tackled on the ground. I think we need to try to keep the Strategy.

775

**Advocate Harwood:** Can I just follow up on that with Deputy Hansmann Rouxel? Do I understand therefore that basically we are saying the Strategy can get totally derailed because of the lack of one person?

**Deputy Hansmann Rouxel:** No, that is not what I was saying.

**Advocate Harwood:** Sorry, I really read that from the referral point.

780

**Deputy Hansmann Rouxel:** Parts of the process, from what I understand, from my interaction with both being the conduit between Autism Guernsey and trying to get to the bottom of what this was, the processes and the pathway has been developed and yes there is the potential that the progress along that pathway – (**Advocate Harwood:** Can be derailed?) would stop until they have a new person in place or they have cover of that particular expertise within that panel within the second step of the diagnosis pathway; because it is not just about getting a diagnosis, it is also about how you actually then deliver a plan for that particular individual that works with them.

785

**Advocate Harwood:** Can I ask a general question of the GDA? Is there a concern that with the strategies and given the size of Guernsey, we are – well the critical issue we have is that we have become dependent on perhaps just one person in a lot of the instances? (**Deputy Hansmann Rouxel:** Yes –) A delay in recruitment can delay the whole Strategy?

790

**Mr Wilkie:** Yes, that can happen but certainly in this case I think that we have got the new contract with the Medical Specialist Group and maybe I am wrong but I think it should be under their responsibility to bring in a locum so you can carry on the service. So maybe that is a question worth asking later on.

795

**Mr Harnish:** I would say that HSC is experiencing already a painful transition between a medical model and a social model, and they are implementing a social model for autism, they are coming out of the medical model and they are experiencing some teething problems and it is not

800 really just about one person, there is a whole culture change that has to be given filter through  
the HSC and that means things are just awkward and complicated, not hopeless.

**The Chairman:** Deputy Hansmann Rouxel, obviously you are the States' Disability Champion.  
805 How have you found it since you have been in office? Presumably it has been quite a frustrating  
process. Have there been specific barriers that you have encountered that have stopped you from  
being able to oil the wheels of the Disability Strategy?

**Deputy Hansmann Rouxel:** I think firstly I should define what my role is –

810 **The Chairman:** Okay. What is your role? *(Laughter)*

**Deputy Hansmann Rouxel:** – because there seems to be a misunderstanding that somehow I  
am responsible for the Disability & Inclusion Strategy, but my role is supposed to be three-fold:  
815 on the one hand, supporting disabled Islanders in their interactions with the States and also  
Members and the GDA and how they interact with the States, and that involves taking on cases  
where either somebody is having interactions with the States and there is a system failure, or they  
are having interactions and there is a actually something highlighted that there needs to be a  
policy change. **(The Chairman:** A policy issue.) The second part is to promote awareness in the  
States as well as in the community. The third part is actually to scrutinise the development and  
820 implementation of those policies.

In terms of that first part of my role – the support and taking those cases and not only solving  
individual problems, but looking at how I can feed back into the different Committees – I have  
gone to an ESS board meeting with a few cases where there have been recurring, what seem to  
be, different issues – **(The Chairman:** Systemic. Yes.) and highlighting to them the difference that  
825 they might be experiencing on the high level policy side and actually what the implementation is  
on the floor. On that side there has been a lot of openness and interaction with the political  
Members and openness for support from staff. So there has not been any barriers there.

In terms of the exposure of my role, what came to light last year was that my role is not  
actually an official role. It has no constitutional support. When the role was thought up and  
830 designed it was designed as the support network where it would be volunteers and the GDA, as  
opposed to how a Committee would operate with having civil servants' support, and the Disability  
Champion would operate with that role.

What has come to light is there is not cover for the Disability Champion to ... and has exposed  
myself to a particular issue with data protection. So seeing that role is not official or unofficial –  
835 you do not have any bite or mandate, and you also do not have any resources to do the broad  
spectrum of work that is needed.

**Deputy Roffey:** I would almost have assumed it was a GDA appointment rather than a States'  
840 appointment, even though it was called the States' Disability Champion and had to be a Deputy.

**Deputy Hansmann Rouxel:** That is why you have chosen to put me along beside the GDA.

**Deputy Roffey:** I am sorry if you object! *(Laughter)*

845 **Deputy Hansmann Rouxel:** Absolutely, it is not their fault. It is just interesting.

The origins – and this became apparent last year when I was trying to find out what the actual  
official status of the Champion's role was – where it was a Policy Council ratification of the  
description and the role has been created. But it is not part of the constitution, so you work  
outside of the States. So I am not working in service of the public, whereas if you are working  
850 within a Committee you are working within that coverage, in a similar way that a Deputy working

on parish issues is not covered and they work outside the States and that's a particular constitutional issue that I believe the States' Assembly & Constitution Committee are looking at.

855 **Advocate Harwood:** The one particular issue you have focussed on is the issue about data protection. Do you think that is a barrier and that is causing a problem for you?

**Deputy Hansmann Rouxel:** Certainly if there is no resource and it is not covered –

860 **Advocate Harwood:** Is it data servicing rather than data protection?

**Deputy Hansmann Rouxel:** It is data protection, (**Advocate Harwood:** Okay.) because as –

**Deputy Roffey:** You are the data controller basically...

865 **Deputy Hansmann Rouxel:** Yes, you are the registered data controller and how the Disability Champion was operating was with a team and therefore the data controller, being myself, would then be responsible for the team and without the proper individual bits in place.

870 **The Chairman:** Okay, so you have given a bit of information there about how you have approached the role. Do you have a view in terms of to what extent the States could, or has already, led by example in this area, from your experience?

875 **Deputy Hansmann Rouxel:** This is one of the frustrations. It seems obvious that as the biggest employer on the Island, if we cannot get it right how are we expecting the wider community to get it right?

A simple example – and I know the online disability awareness training is just a tiny step, but if Members have not even taken the step to do a small online training certificate then are they really aware of even the basics of disability awareness? Yet, I got a reminder in my inbox today that I should do the cyber security online training by 31st January, but no such follow-up or teeth are implemented in order to actually get people to sign up.

880

**Deputy Roffey:** I must admit I went to the website and it says you have got to register, set up an account and then you do six modules, and not being a computer orientated person, I thought I will wait until I can go along and get some proper training instead of doing this. I know it is probably more staff intensive to give human training rather than online, but –

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**Deputy Hansmann Rouxel:** No, you are absolutely right and that is one of the things that I did highlight – that we should be able to offer that. Yes, there is this easy access online training but you might not be the only person who is not *au fait* with computer, online stuff.

890

**The Chairman:** Do you think it should be a component of induction when a new States' Member is –?

895 **Deputy Hansmann Rouxel:** Absolutely. That should have been integral and not just an online; there should actually be a whole module, but there should be lots more happening with the States' induction and I have many thoughts on that.

**The Chairman:** Okay, yes I am sure.

900 In terms of other areas in which the States could lead by example, again, from your experience, is there anything else you think has happened since you have been in office or perhaps could happen? Are there any quick wins that the States could do to lead by example? The States has a great potential to act as an exemplar, hasn't it, in the community we live in?

905 **Deputy Hansmann Rouxel:** One of the things that Karen mentioned – and it is something that I have had my eye on in terms of the scrutiny part of my role – is the audit that took place, the disability audit of each department across the States and the action plans from those, and I would be hoping that at some point we would see those action plans and actually that is something you can hold people to account on. I have not been able to see them myself. Even within my role I do not have the authority to ask to see –

910 **Deputy Roffey:** Each department has been through the audit, have they?

**Deputy Hansmann Rouxel:** Yes, it is States-wide.

915 **Deputy Roffey:** I think it might be useful for this Committee because we get the Presidents in front of us on a regular basis and that might be a thing we could ask them about.

**Advocate Harwood:** Is that owned by each Committee or is that owned centrally by Policy & Resources?

920 **Deputy Hansmann Rouxel:** At this stage, I do not know where it sits. You will have to ask the political Members.

**Deputy Roffey:** What does it cover? Accessibility of buildings, employment practices?

925 **Mrs Blanchford:** It unfortunately did not cover the access of buildings. That is one of the things that we hoped it might have covered. But it did cover everything from employment processes, customer service, policies and procedures. I sit on the board so, again, this is where I am a bit conflicted, so I have seen them, they are very good documents done by BDF. But we are hoping for those to become available. My understanding is they are at SMT level, and we hope  
930 that those can be shared and that would be understood.

**The Chairman:** That is good.

935 Just to wrap up this section Deputy Hansmann Rouxel how do you think your role could work better? I am not talking about you personally, but in terms of the job, the role, how could it be made fit for purpose, do you think?

940 **Deputy Hansmann Rouxel:** I am glad that you ask that. At the moment in light of finding out that the role is not really official ... but there are definitely things that have been happening, that have fed into – with the communications that I have done – different things and allowed policy changes.

945 So there are benefits to having the role. It is now whether a review needs to take place on the role and whether it needs to be an equalities role or an equalities champion that sits underneath the ERO, or whether it needs to be an official disabilities minister with its own resources officially within the constitution, if that is something that is required. I think that review and that conversation needs to happen going forward because it is a bit of a mish-mash at the moment.

950 **The Chairman:** Would there be any sense in – I am not trying to do you out of a job, I am just trying to think – a member of the Committee for Employment & Social Security being the Disability Champion, or is that too close to Policy Council?

**Deputy Hansmann Rouxel:** When the role was originally set up, and looking back at the original intention, the Champion would not have political responsibility for any of the implementations, and that is why I sit outside, I am not a member on the Disability & Inclusion

955 Strategy. The sitting outside allows you to have that scrutiny role – which you guys should be doing. *(Laughter)*

**The Chairman:** I am always banging on about the fact that members of Committees (**Deputy Roffey:** Absolutely.) should be scrutineers as well, but, no, I know what you are saying.

960 **Deputy Hansmann Rouxel:** Sometimes when you are on a Committee or within the political board – and that is something that Karen has highlighted – it is a tension where you are not possibly able to scrutinise (**The Chairman:** No, you are right.) to the same degree.

965 **Deputy Roffey:** Certainly if you wanted to go to the media and say, 'This Committee are not really doing what they ought to do for disabled people,' it would be awkward if you were a member of that Committee, wouldn't it?

**Deputy Hansmann Rouxel:** Yes.

970 **The Chairman:** So how could it work?

975 **Deputy Hansmann Rouxel:** Either that it is a part of the ERO work stream, so it becomes an equalities champion across the States, or there are disability champions on each Committee in order to ensure that when legislation does come before that Committee there is somebody who is highlighting to them. It is not quite possible for me as one individual to scrutinise every piece of legislation that comes through, but if there is somebody on those boards and that is highlighted and whether that is a sub-committee.

980 **Advocate Harwood:** So in summary, you see your role primarily as scrutineering the things that you can, but also as a lobbyist? In terms of explaining to other States' Members, talking to other States' Members to get them onside if there is a piece of legislation or if you want to get –?

985 **Deputy Hansmann Rouxel:** Absolutely. There is also that not being in the Civil Service, that you are able to be approached by people who have had a failure with their interaction with the States and you are able to then help them with their individual problem and feed that information back to the relevant Committees.

**Advocate Harwood:** Thank you.

990 **The Chairman:** Anything else?

**Deputy Roffey:** Maybe just before they go, just ask the Disability Alliance of anything else they think we should be asking the next panel, unless we have covered it all?

995 **The Chairman:** Yes, before we get to the brief adjournment is there anything else at all?

**Mrs Blanchford:** Sorry, I am just having a quick look through our notes.

**The Chairman:** Did you say you were going to publish your written submission?

1000

**Mrs Blanchford:** I do not think we will be publishing it in the media, I certainly do not think we will do a statement, but we are certainly happy for it to be shared with the people involved in the group. So, for example, ESS, HSC. That is not a problem at all and we will do a short summary for the wider community.

1005

Are you happy?

**Mr Harnish:** I think we have covered everything.

**Deputy Wilkie:** We are quite happy with everything.

1010 **Mrs Blanchford:** Thank you.

**The Chairman:** Thank you very much.  
We will rise now for 10 minutes.

*The Committee adjourned at 3.05 p.m.  
and resumed at 3.15 p.m.*

#### EVIDENCE OF

**Deputy Michelle Le Clerc, President, and Mr Ed Ashton, Head of Operations, the Committee for Employment & Social Security, Deputy Emilie Yerby, Member, the Committee for Employment & Social Security and the Committee for Health & Social Care and Ms Mandy Mackelworth, Adult Disability Services, Committee for Health & Social Care; Deputy Jane Stephens, Member, and Mr Steve Wakelin, Chief Strategy & Policy Officer, Policy & Resources Committee**

1015 **The Chairman:** Thank you very much. We have been reminded that members of the panel asking the questions should try to speak into the microphones. Can I also just politely remind members of the public in the Public Gallery to be conscious of the need for everybody to hear both the questions and the answers during this session, please? Thank you.

1020 Deputy Michelle Le Clerc, welcome. Obviously you have had a chance to listen to what was said by the members of the Guernsey Disability Alliance earlier this afternoon and indeed by Deputy Hansmann Rouxel as well. Is there anything you would like to say, having heard what the previous witnesses said a moment ago, in terms of where we are now with the Strategy and where we have come from?

1025 **Deputy Le Clerc:** I do not think I have got much more to say on where we are now and where we came from. I cannot disagree with what has already been said on that.

1030 I would perhaps disagree with the fact that perhaps people are perceiving that no progress has been made in other areas. Perhaps on the legislation side progress has not been made, but I would tend to disagree on other areas of the Strategy, and in particular some of the areas that Health & Social Care are responsible for. I think we have made significant improvements in that area. Again, when we look at perhaps some of the mandate that we are now responsible for – for the housing mandate and the lead through to the GHA – and you look at what has been done with the extra care housing and the facilities that are now provided for all ages through the two extra care, the fact that we have recently agreed for the funding for the eight autism units down at Nouvelle Maritaine.

1035 So I am always disappointed that some of the positive things do not necessarily come across.

**Advocate Harwood:** I think Deputy Le Clerc referred to HSC and, Deputy Yerby, you are here on behalf of HSC, so do you want to point us on the positives that you have witnessed from HSC?

1040 **Deputy Yerby:** I suppose I should make it clear that I am here on behalf of both Committees, on Employment & Social Security; I am effectively the sponsoring Member for the Disability & Inclusion Strategy, but of course as a member of Health & Social Care I also have responsibility to them.

**The Chairman:** Thank you for clarifying that.

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**Deputy Yerby:** As was discussed in the last session, some of the more operational, implementation of the Strategy sits with Health & Social Care. In particular, the Strategy recommended the development of a number of frameworks, particularly around dementia and autism, learning disabilities and people with communication difficulties.

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If it helps to go back a step when we started developing the Strategy, because I was an officer working for the States at that time, what was done then was a disability needs survey was carried out, so the Island population as a whole was surveyed to establish the prevalence of disability, of different kinds of impairments within the population and the kind of social, environmental and attitudinal barriers that people actually faced. So what was stopping people from participating in the community?

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One of the things that survey highlighted was some of the groups of disabled people who experienced most difficulty in participating are those with dementia and with autism and so on. So that was what led to the Strategy recognising a need to focus on these areas to ensure that services and support within the States and in the wider community were as effective as possible in supporting full inclusion of disabled Islanders.

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There has been some really positive work done. To take an example that straddles both the States and the third sector, over the last couple of years there has been a development of a dementia-friendly Guernsey ethos. So that has been encouraging businesses and service providers, including us as the public sector, to do some training on what it means to be a dementia friend – so what it means to offer your services, to behave in a way that is inclusive of people with dementia.

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There have been some changes to service provision as a result of that, but there has also been a wider dementia framework developed within HSC. A member of staff was seconded for a number of months to work on that, to focus on that as his sole priority, and that has recommended changes to the services that we provide, as well as community changes for people with dementia.

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**The Chairman:** Yes, if we go back to the 2013 policy letter, I think it was, Resolution 9 was to direct HSD, as it then was, to lead the development of a framework to refer to learning difficulties, dementia and autism.

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How much progress do you think has been made by Health & Social Care on those frameworks?

**Deputy Yerby:** From a Strategy perspective, we have reached a point with both dementia and autism where frameworks have been completed, so in effect we have a road map that says what needs to be done in these areas and we have moved into the implementation phase, and steps are being taken towards implementation.

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As your previous witnesses discussed, there is a hiccup at the moment particularly affecting the diagnosis of children who may have autism; and if it helps, I can give a bit more clarity around that issue?

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**The Chairman:** Yes, that would be helpful.

**Deputy Yerby:** As was discussed, what has happened is that we are losing the paediatrician with the relevant skills to complete the diagnosis. What we are not losing at the moment is the ability to provide support to those children.

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Mr Harnish spoke about the need for HSC to move from a medical model approach to a social model approach. This is, in fact, an exemplar of that, because if you think about what a medical model implies, it implies needing to know the label and then switching on the services as a consequence of that; whereas a social model involves looking at what a person's barriers are, what

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kind of support might be needed to be put in place in order to include people in the community and putting that support in place.

1100 HSC has a resource allocation panel which looks at the needs of children and their families, and aims to provide the most needed resources where there is that need, and that work is still ongoing even while the process of diagnosing children is paused. Obviously, we are looking to switch back on that diagnosis pathway as soon as we can, but it is not like we are hanging children and their families out to dry in the meanwhile.

1105 **The Chairman:** Could I turn to Deputy Stephens as the Member of Policy & Resources who oversees social policy, as I understand it? Have you got anything to comment on, again, having heard the witnesses in the earlier part of the session? Any particular –?

1110 **Deputy Stephens:** Well, I will firstly express a personal view – not to go into the history again but just on my recollections. In general, my recollections are pretty much the same as those that have been expressed already.

Just for context, I have been a member of the GDA since 2009; I sat in the 2008-12 Assembly – I was the political Champion for Disability; I was the first one, so I have a memory of how that was set up and how it came into being. I chaired, with Arrun Wilkie, the DISIG and worked with Advocate Harwood who was doing the legislation group.

1115 What I am pleased about, I think, on reflection, is that the recommendations of DISIG that were put forward as part of the handover papers, actually were taken up, so that we now have political ownership with a committee, which I think actually strengthens the potential of action being taken.

1120 I am also pleased that there is now a dedicated group of civil servants who are supported through P&R with, I think, one full-time and one part-time member of staff have been seconded or resourced over to ESS for that to happen.

1125 The tension between the medical model and social model, from my part, my personal view is that I have always been wedded to a social model and that has never been an issue that was particularly challenging to me, although I know it was challenging to the group that Advocate Harwood chaired.

1130 To say that there was very little progress from the setting up of DISIG until the change of Government at the last election, I always find that a little hard to bear because actually I witnessed quite a lot of things that did change. There was mention, I think, of the sort of quality of partnership working between the States and the community. Just as an example, the current disability officer was appointed from a partnership model – in that, I was a member of the community at that time; the Chair, I think, of the GDA actually sat on the appointments panel; and a senior civil servant sat on the panel. So if I can evidence partnership working it was certainly there.

1135 At that time, because the Disability Strategy was something that was, if I can say, 'unknown' to many people, there was a great deal of awareness raising that was done by myself and a supporting officer from the Policy Council at the time, and we went together and we met with lots of people across HSC, for instance, in their offices. I started to talk to them about what the implementation might involve, and I must say even at the earliest stage, the issues that became barriers to further progress, I think, were being raised at that time, in that, people were always going to give their first attention to the immediate job – whatever was on their desk, whoever rang them on the phone. They did not seem to make the connection between the fact that the Strategy should be guiding that sort of work; it was always seen to be a separate piece of work that had been given to them and that was going to be done whenever they had the time to do it.

1145 So in that sense there was a policy adoption, a policy implementation and a policy integration issue, I think, that existed. But that was the sort of activity that was happening at that time.

**The Chairman:** Okay, thank you.

I think if I could return to you, Deputy Le Clerc. I think, again, for the moment I will just ask the politicians, because I think this is a political question in the main.

1150 Deputy Le Clerc, do you totally accept that the States has signed up already to the social model in terms of the Disability Discrimination Law that is going to be pursued? Are you of the view that is what the States has already signed up to?

1155 **Deputy Le Clerc:** Let me just find page 2887. This is the Billet from Wednesday, 25th November 2015, paragraph 60. It says:

60. As part of its deliberations, experts on the Canadian and UK systems have provided input to the DLG and given wider public presentations. The UK's Office for Disability Issues has also provided some advice. However, it is important to note that because it has already been agreed that Guernsey's legislation will be based on the 'social model' of disability, it will not just be a matter of replicating the UK legislation which is based on the 'medical model' of disability. This is one reason why developing legislation specific to Guernsey has proven challenging.

Then at the bottom it indicates –

**The Chairman:** There is a footnote, isn't there.

1160 **Deputy Le Clerc:** There is a footnote. So this is my understanding.

What I will say is that when we spoke to the two experts, Dr Quinlivan and Dr Buckley, on the telephone when we were doing the interviews, because we had a shortlist of three different groups, they were all indicating that the social model is the way to go forward. However, there are potential changes even to the social model, and I think the experts were excited about the opportunity of working with Guernsey because in fact it was a blank sheet of paper, and that we could learn from the experiences of both the medical model that has already been implemented in jurisdictions, the social model that has already been implemented in jurisdictions and perhaps some new thinking that was coming along as well.

1170 **The Chairman:** Can I just pursue it slightly? You are absolutely right. You actually very helpfully tweeted in response to the BBC the very reference this morning, which is helpful. But I just want to push you slightly on it, if I may, which is that if you actually go back to the policy letter in 2013, within the Resolutions, my understanding is there was not actually an express endorsement of the social model within the Resolutions of 2013.

1175 Deputy Yerby, you are looking thoughtful. Have you already got the answer?

1180 **Deputy Yerby:** Maybe I can assist on that, because if I remember rightly, the Resolutions included a firm commitment to sign Guernsey up to the United Nations Convention on the Rights of Persons with Disabilities and that Convention is entirely framed around recognising disabled people as equal members of society and focussing on changing the environmental and attitudinal barriers that prevent their full inclusion, which is what the social model is.

**The Chairman:** Right, that is very helpful.

1185 **Deputy Yerby:** So if it is not spelled out in a Resolution itself it is implied by signing up to the Convention.

**Deputy Roffey:** But to some extent, whether or not the States signs up to that, your Committee is signed up, you clearly believe that is the right way forward?

1190 **Deputy Le Clerc:** Yes, the States of Guernsey has, in my view, and I think that statement in there –

**Deputy Roffey:** Okay.

1195 **The Chairman:** But your Committee is also endorsing? Okay.

**Deputy Le Clerc:** Yes.

1200 **Deputy Roffey:** You described Guernsey as a blank sheet of paper. To what extent is it? I understand we do not have any disability legislation at the moment, but we have another body of legislation it has to fit into, so is it absolutely a blank sheet of paper or –? Do the Law Officers take the view ...? Are they involved, for instance, in this research or have we just got these two gentlemen from Ireland doing it all? Is there anybody from the Guernsey legal establishment working with them to make sure that it would fit into Guernsey's legislative framework?

1205 **Deputy Le Clerc:** When we were interviewing we discussed this and they were mindful that they will have to have some understanding of current Guernsey legislation and fitting in to some of that Guernsey legislation.

1210 The next phase of this first phase will be – and I think we have already got dates in our diaries – that there will be workshops and we will have Law Officers involved in that, we will have the GDA involved in that, and interested parties. So that will be part of the consideration that they will be undertaking when they are reviewing the six jurisdictions.

1215 **Deputy Roffey:** What is the timescale for that piece of work?

**Deputy Le Clerc:** The timescale for that piece of work is very tight and we have asked to see at least the draft of that paper by the end of March with a view to having the final paper by the middle of April. So, really tight for that phase one.

1220 **Deputy Roffey:** Good luck with that.

1225 **Deputy Le Clerc:** In saying that, I feel we have to be aware that is just really that analysis of the six jurisdictions and the way we should go. The bigger part of that work will be phase two and we will need to have a business case for that phase two, because the actual cost of this first phase of work is very reasonable and we can probably find within a budget that we have already got –

**The Chairman:** I was going to ask you about that.

1230 **Deputy Le Clerc:** But definitely the phase two we will have more meat on the bones to understand what the costings are likely to be for that phase two.

**The Chairman:** Just so we are clear, the cost of the first phase in terms of Drs Buckley and Quinlivan looking at the six models, what is the cost of that?

1235 **Deputy Le Clerc:** I am not sure I can give that out. That might be commercially sensitive to do that, but I would say as much as I can say, it was very reasonable, because they are keen from an academic point of view to be involved in this.

1240 **The Chairman:** Then the second phase that you just talked about, what exactly would that be?

**Deputy Le Clerc:** The second phase will be that by then we will know which jurisdiction they are recommending that we follow –

1245 **Deputy Roffey:** But they will possibly leapfrog, from what you are saying.

**Deputy Le Clerc:** The substantial parts of that jurisdiction. Or whether they still are recommending to actually do it from bottom up, and then that will be actually working on the detail of that, preparing the policy paper, going out to consultation on that draft and then coming back to the States of Guernsey.

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**The Chairman:** Advocate Harwood.

**Advocate Harwood:** In the original Resolutions of the States back in 2013, the Resolutions specifically say the enactment of legislation on the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law 2004. Is the view of your Committee now that actually it is not going to be practicable to bring this legislation in under that enabling Law and that primary legislation will be required?

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**Deputy Yerby:** I can come in on that?

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**The Chairman:** Deputy Yerby?

**Deputy Le Clerc:** Emilie is on the working group, so probably much more up to speed on that.

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**Deputy Yerby:** As you say, it is an enabling Law and it is very broad in its drafting, it is quite probable that whatever model we select will be capable of being drafted as an ordinance. But it is impossible to give a guarantee on that without having had the decision on what model we are going to follow.

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Deputy Green, there seems to be some underlying questions or assumptions about the Law project that maybe I could provide a bit of clarity around? (**The Chairman:** Yes, please.)

I think one of them, as I understand it, you have been pushing quite hard at the question of: are we wedded to the social model; is there merit in the medical model; by pursuing the social model, are we slowing the whole process down? (**The Chairman:** Indeed.) And is this a pursuit of perfection that is going to hang everything ...?

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What you and Advocate Harwood will be aware of more than anyone is that one can draft a perfect piece of law in one's own mind but as soon as it is out in the real world it is a living, breathing thing that has the hands of many people all over it. So it is not just the words that are written on the piece of paper that matter, it is the judicial system around it, it is the case law. So Guernsey, starting from scratch and drafting its own bespoke legislation in an island where ... Part of the reason why the progress on the Disability Law has suffered is there is no community of practice around human rights law here. The number of people who have an interest in that issue – either a policy interest or a legal interest in it – is very small, so we are starting on what is effectively a very new horizon without a great pool of minds to draw on.

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So part of the reason the Committee decided to go down this route of, 'Let's get some experts to help us and let's compare the laws of five or six other jurisdictions,' is the recognition that actually we do not just need the words on the paper, we are going to need the support in interpreting this in practice to make sure that it is as effective as possible in enabling disabled Islanders to realise their rights.

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So it is not just the fact that we will have a good Law, hopefully, that we can lift from another jurisdiction, but also that our courts are capable of being guided by – and I say guided by because I know it will not have statutory force, but being guided by – the case law of that jurisdiction and the legal minds of that jurisdiction in the interpretation of that Law so that disabled Islanders, not only at the point the Law comes into effect, but as it is interpreted, as Guernsey builds up its own body of case law, it continues to be a positive, progressive force that pushes for the inclusion of disabled people.

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**Deputy Roffey:** That is helpful. Okay, after you.

**Advocate Harwood:** Can I just follow up on that?

1300 Has your panel or your Committee contemplated actually that in order to do what you want to do you are going to have to bring in an equal rights legislation?

**Deputy Yerby:** Yes, and in fact three of the six jurisdictions that were on the Committee's initial shortlist – and this is a shortlist that is obviously up for discussion with our experts – have provided protection to disabled people through full equality laws, while the other three provide protection through disability specific laws.

1305 So I think the feeling of the Committee is if we can provide an equal or better standard of protection and we do it without significant delay and without significant additional resourcing then equality law rather than one ground of protection at a time is definitely worth consideration.

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**The Chairman:** Are you able at this stage to share which jurisdictions those are because you refer to them through and through?

**Deputy Yerby:** Yes, the initial list for discussion is – and I will be corrected if I am wrong – the United Kingdom, Ireland, Canada, Australia, New Zealand and Hong Kong. Language was a consideration in selecting that shortlist because, again, as I have spoken about the importance of case law, one thing that you do not want to do is add in both the additional confusion of interpretation of the whole thing, but we have said, when we were interviewing each of the sets of experts that we were looking to bring on board, 'Look, we are more than happy to discuss this shortlist with you, if you want to recommend adding or changing any jurisdictions which will add another dimension to that, then please do.' That is a conversation we will have in the next couple of weeks with those who come on board.

**Deputy Roffey:** Just pursuing this question of timescale, so by sometime in April you should have identified which law will be the basic template, although you might modernise it and go ahead of it; the next phase, are you going to be outsourcing work on that or are you relying on internal resources from St James' Chambers? How is it going to be taken forward from that point onwards?

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1330 **Deputy Le Clerc:** We have to be guided after we have done phase one as to how those experts will potentially want to work. We have not guaranteed that they will be employed through phase two.

**Deputy Roffey:** So you are retaining –? Okay.

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**Deputy Le Clerc:** No, but when we interviewed people they were interested in working with us on phase two, but the phase one piece is a piece on its own –

**Deputy Roffey:** Any indicative timescale for stage two?

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**Deputy Le Clerc:** What we have got here is we are saying by April that we will have chosen the jurisdiction that we feel we can best model ourselves on and then it is then working on the consultation, proposals, working with the GDA, working with the public. There will be some writing of the policy and it was one of the questions that we asked during the interview stage: would you be capable of writing a policy paper? They were all very capable of writing a policy paper. We would expect we would need some officer support around that to understand the Guernsey context.

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1350 **Deputy Roffey:** To the States this year, do you think, or the policy ... not the final legislation, but the policy informing it?

1355 **Deputy Le Clerc:** No, we would hope that we would have had the draft policy paper by the end of this year and have had that to consultation, ready to go back to the States with a policy paper the first or second quarter of 2019.

1360 **Deputy Roffey:** Then after that – sorry, I ask this from bitter experience – (**Deputy Le Clerc:** Yes.) have you had a promise from Policy & Resources of any kind of legislative priority once you get the Law approved in principle?

1365 **Deputy Le Clerc:** I have got here, on what I have been given, legal drafting by St James' Chambers subject to prioritisation; and I think you touched on this earlier – I think that is dependent on the work that may come out of Brexit and other priorities. The only thing I can say is that it is one of the top 23 priorities in the States of Guernsey Policy & Resource Plan, so one would hope at that time that it would receive some priority.

1370 **Advocate Harwood:** Can I just follow up, Deputy Stephens, Deputy Yerby mentioned the possibility of an equal rights legislation; to what extent has Policy & Resources Committee been involved in this particular project in terms of legislation and what would be your reaction from the Policy & Resources Committee to the prospect of equal rights legislation?

1375 **Deputy Stephens:** Working backwards, I have no recollection of discussing it with my colleagues on P&R, so this is my personal response.

Working towards an equal society is something important, I think, that P&R espouses and also participates in, so I have not got any issue with that.

Sorry, the first part of your question was?

1380 **Advocate Harwood:** To what extent have you been involved with the project? I assume you are representing P&R on the social policy as part of this working group in relation to the legislation.

**Deputy Stephens:** The senior policy officer to my left has been a member of the project.

1385 **Mr Wakelin:** I am on the project board and so through the project board this has been discussed. Also, as you know, the prioritisation of legislation comes back from the Committees to P&R, to then go to the States and so the timings that Deputy Le Clerc and Deputy Yerby and Ed have talked about as well, fit very neatly into that sort of timeframe. So, yes, it would go to Policy & Resources, and then ultimately to the States.

1390 **Advocate Harwood:** Thank you.

1395 **The Chairman:** Before we turn to the Equality and Rights Organisation, we talked a bit with the previous witnesses about the medical model and the social model. I do not want to get into that in too much detail, but in terms of Jersey's position, Deputy Le Clerc and Deputy Yerby, in the main, what is wrong with what Jersey has done in terms of its disability discrimination –?

**Deputy Roffey:** Channel headlines tonight!

**Deputy Le Clerc:** I think that is a slightly unfair question, Deputy Green –

1400 **The Chairman:** That is why I asked it! (*Laughter*)

**Deputy Le Clerc:** I am a politician in Guernsey and I am afraid I have not looked in any detail at the Jersey model, so I would not be able to comment.

1405 **The Chairman:** No, that is fair enough.  
Deputy Yerby?

1410 **Deputy Yerby:** I think the concern raised by the previous witnesses, which I would echo, is if you have to prove impairment for a given period of time – so if there is a six-month cut off – before you are protected from discrimination that is effectively you having to have the label and you having to clear the bar in terms of discrimination in a way that we do not feel is effective in achieving the core purpose of discrimination law. You could be discriminated on day one of becoming disabled.

1415 **The Chairman:** If we accept that as a proposition, is there not some ...? We talked with the other witnesses about compromise and I am thinking of proportionality within the Guernsey context, is there a view as to what extent the social model is genuinely proportionate in the Guernsey context?

1420 **Deputy Yerby:** I know this is not the done thing, but could I ask you to provide me with the panel's definition of the social model?

**The Chairman:** Well, that is –

1425 **Deputy Roffey:** I have not got one –

**Advocate Harwood:** Could I? Having wrestled with this, actually there is a definition of the social model back in the original 2013 policy letter, which I think is probably the only thing we have got.

1430 **The Chairman:** I think that is what we were getting at.

**Advocate Harwood:** My understanding is it is talking about barriers rather than –

1435 **Deputy Roffey:** To some extent I think we are talking about a question that those involved have already resolved. They are clear in their head where they are going and so I think we should really focus on how we are going to get there now.

1440 **The Chairman:** I am just conscious of the small businessman, small business person, small business woman – to what extent there may be implications here which are perhaps arguably – I am not saying they are, but arguably – disproportionate.

1445 **Deputy Yerby:** Having put the Chair of the panel in an awkward position, (*Laughter*) I go back to ... In the broadest possible terms when we talk about the social model what we mean is that the community's emphasis should be on changing environments, on changing attitudes, on changing the way that we do things so that it is easier for disabled people to be included, whereas when we are talking about the medical model, we are talking about understanding what is physically 'wrong' with a person – and I say that with inverted commas – and putting the emphasis on that person to change themselves so that they can fit in with our pre-existing norms. I do not think there is anybody in this room who would suggest that all the onus should be on the individual to change themselves to fit in with social norms.

1450 So at the heart of almost any disability law, no matter what country you look at, is this question of reasonable adjustments and both of those words matter. Adjustments is the social model bit; it

1455 is about changing the environment, changing the way that you do things so that people with different impairments can join in on an equal basis. But the matter of reasonableness is equally important, so an adjustment might not be reasonable if the cost of making it would put a small businessman out of business. In fact it *would not* be reasonable because of the cost of making it fit.

1460 **The Chairman:** I think that is what I was trying to say.

**Deputy Roffey:** So the Co-op might be expected to do things the corner shop might not be expected to do? (**Deputy Yerby:** Yes.) That seems fair enough to me.

1465 **Advocate Harwood:** That is all that is meant by reasonable adjustment; that is actually relative.

1470 **Deputy Roffey:** Just before we leave the Law – I know time is short – and move on to the new body, I seem obsessed with timescales here, but you have got us as far as the second quarter next year for going to the States. Earlier we heard a real earnest wish to get the whole thing through by the end of this political term because you are such a marvellous Committee and they may not get such a good one in future. Is that something that you think is practical – that the Law could actually be implemented by the end of this term?

1475 **Deputy Le Clerc:** Personally, that is what I would like to see, because I do tend to agree with the previous panel that the handover is not always good. I do not know – even though I am a member of SACC; so is Deputy Roffey at the moment – that we are planning on any huge mandate changes. But if there were mandate changes – and I heard talk about an individual disability person, States' nominated, whether that will split off some of the work that we do from our mandate – I do not know.

1480 I would like to see it implemented. I think that some of the questions that Deputy Green has just put, and Deputy Yerby has answered, on the social model that even when we bring the policy paper to the States of Guernsey, that is not a slam dunk, in my view.

1485 **The Chairman:** No, it is not.

**Deputy Le Clerc:** There will be obstacles. I think we are going to go on to talk about the ERO in a moment, and depending on that, what type of ERO. There will be costs involved in that and resources. Even if some of that work is undertaken by the third sector we know that there will still be, from our work that we do on the Employment Tribunal, officer and support staff required.

1490 So I think we have to be realistic and some of this will also be, and I accept it - will be on cost as well. So it is not just the legislation, it will be the cost implications of that and the willingness of the States to adopt what we will be recommending at that time. We have to be honest about that.

1495 **The Chairman:** Yes, thank you.

Let's move on to the Equality and Rights Organisation, on that note.

Deputy Le Clerc or Yerby, what exactly will that body do? What exactly should that body do, in your view?

1500 **Deputy Le Clerc:** I am going to ask Emilie to –

**The Chairman:** Deputy Yerby, yes.

**Deputy Yerby:** If I work backwards from one of the last points made by your previous witnesses, if we are introducing a Law, and particularly if it is a Law in an area where public



1505 awareness is not especially well developed, where there is not a large pre-existing body of law,  
what you do not want to do is just have Government standing there with a stick to beat  
businesses with. What you want is to have a community that is already prepared to receive this  
Law, so effectively you have the Law acting as a backstop or a benchmark of best practice. One of  
the key functions of an equality and rights organisation is to provide the education, the support,  
1510 the expertise to help the community adapt to what might be the more challenging or the less well  
known elements.

So when I put the question to you, 'How do you understand the social model?' I could pitch  
that to anybody outside of this room and be met with a wall of silence, because sometimes the  
language used around inclusion and equality becomes a bit esoteric, it drifts off into academic  
1515 discourse, and actually it is about fairness, it is about tolerance, it is about being just to one  
another. Spelling it out in those terms, making it a non-scary and an achievable thing is at the  
heart of what we need an equality and rights organisation to achieve.

But the other side of that, the other core functions that bodies like this fulfil in other  
jurisdictions, is to keep the Government on its toes. So you are talking about something that is  
1520 independent from Government, you are talking about something that has a real deep  
understanding of human rights matters, and that is challenging us always to do the best for  
Islanders in terms of equality, in terms of not only the provisions that we have in place in terms of  
the legal framework, but also our day-to-day practices.

So you asked earlier how is the States doing in terms of leading by example and we have at  
1525 the moment had to commission off-Island experts to carry out an audit and give the States some  
guidance there. One might hope that an equality and rights organisation, for example, could help  
the States both as policy maker and as service provider to think through how it could be doing  
things better to be more inclusive of those who are most disadvantaged.

1530 **Advocate Harwood:** We have heard this in terms of legislation on the actual discrimination or  
the disability legislation. Is there not going to be a separate piece of legislation for this new  
statutory body, or are you going to run the two into one piece of legislation?

1535 **Deputy Yerby:** I think that is a decision for a little bit further down the line when we know  
what the body –

**Advocate Harwood:** But there will have to be legislation for this body?

1540 **Deputy Le Clerc:** Yes.

**Deputy Yerby:** There is a provision under the enabling Law that will allow that to be created.

1545 **The Chairman:** Deputy Le Clerc or whoever, is there any indication at this stage what the cost  
of that body might be?

1550 **Deputy Le Clerc:** What we are doing at the moment is we are working on the business plan.  
So we have got officer time being spent on that. We have already had a workshop; we had a  
workshop just before Christmas with the third sector and Citizens Advice were involved, a huge  
range of third – it was very well attended. I think out of that it was formulated, bringing in  
together the ideas of what people perceived as themselves as an ERO and what potentially should  
be included. So that work is ongoing and we will be bringing a policy paper back to the States,  
and that should be this year because that needs to be – as we have said all along – before the  
other discrimination legislation.

**The Chairman:** Okay.

1555

**Advocate Harwood:** So you could have the new statutory body up and running even though you do not actually have the new disability legislation in place?

**Deputy Le Clerc:** That is our intention, yes.

1560

Again, it is subject to bringing the paper back to the States and that being approved, and that business case has to go to P&R first of all to understand what the costs of that will be.

**Advocate Harwood:** Can we ask perhaps, Deputy Stephens, representing P&R, do you think there is an appetite within P&R to endorse such a body?

1565

**Deputy Stephens:** Oh, that is a difficult question. *(Laughter)*

**Advocate Harwood:** Put you on the spot.

1570

**Deputy Stephens:** Let's be optimistic. In one sense, it will depend on how well the case is made, because clearly every case is taken on its merits, but I would like to suggest that there is some sympathy for this project, and there has been for a long time. But we are somewhat in reactive mode, as Deputy Le Clerc knows.

1575

**Deputy Roffey:** I do not doubt you will get sympathy, but I suspect there will be consideration of what the price tag is as well.

**Deputy Stephens:** As always.

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**Deputy Le Clerc:** But I think it is true to say that it is in our Policy & Resources plan and it is in the Policy & Resource Plan, and at the time when the Policy & Resource Plan was debated at the States that we put on case-by-case basis and the business case. When I have spoken regarding this phase one of financial support, and we have had to do it very quickly, I have had the support that we need, ESS has had the support that we need, from P&R. I think the States have made a commitment to this and it would be disappointing if we went back on that commitment.

1585

**The Chairman:** Thank you.

I think that is probably it on the ERO.

1590

Deputy Le Clerc, how does the partnership between the GDA and the States, how has it been working, in your experience? Since you have been President of the Committee for Employment & Social Security, how has that partnership worked? Has it been a success, do you think?

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**Deputy Le Clerc:** I would say it has been a success. I think there was a wake-up on our part when we had the first address at the AGM, and that would have been in 2016, and Ed will probably be able to talk a little bit more about that, I think, when we showed the plan and the amount of workstreams that were involved in all of this. I know that they are in regular attendance of the workshops – various members of the GDA attending that, and we know that not all of those participants are on a paid basis, so we have really appreciated the time and the expertise that people have put into the workshops that we have held.

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So my understanding is that it has always been a good relationship. They have always been honest with us and I think that perhaps there has always been, and I think this has alluded to when Policy Council, or was it the DLG? ...that there is sometimes some pushback on areas, but I think there has to be; we cannot have a complete love in. So, yes, I think there has been some tension. But, again, Emilie and Ed are both involved in that and maybe they would be able to expand on that.

1605

**The Chairman:** Mr Ashton.

1610 **Mr Ashton:** Yes, as Michelle says, when we went along to our first GDA meeting, I think after we became responsible for the Strategy, I was very honest about the position that I thought we were in – *knew* we were in. It had taken us a while to pull our plan of activity together. I think initially it ran to about 12 pages, over 400 tasks we extracted that we needed to focus on, and of course once you do that, when you get down into that level of detail you have to get real about the resources and the timeframes and everything else.

1615 But we felt as a Committee it was really important to be honest and upfront at the start of taking over the responsibility, and I think we have been open and honest all the way through. In terms of the GDA being part of the project board, I think that works very well. You need challenge sometimes to get better outcomes, don't you? We all need that.

**The Chairman:** Absolutely. Thank you.

1620 I am very conscious of the fact we have not had an opportunity to ask you any questions, Ms Mackleworth. Do you have anything that you would like to say?

1625 **Advocate Harwood:** Could I pick up a question please? (**The Chairman:** Yes, of course.) In the first session, I think it was, Mr Harnish mentioned that HSC was having to undergo a cultural change in adopting a social model. I just wondered perhaps, in your role how has HSC coped with that cultural change? Has it been difficult, has it been challenging?

1630 **Ms Mackleworth:** I think from my experience, from an Adult Disability Service point of view, we have always been very conscious of the social model and person centred care. Emilie talked about the person rather than the service; we have been really clear actually, ESS and Ed and I have worked on a couple of cases for people, and we have had to be really quite creative around how we support people with a disability, so we have worked together and not done some things in silo. So, from my point of view, I think that is the way we have worked.

1635 **Advocate Harwood:** So you are showing that it can work, the cultural change is possible.

**Ms Mackleworth:** Yes, absolutely.

**Advocate Harwood:** Good.

1640 **The Chairman:** Just one final question, to Deputy Le Clerc perhaps. In terms of your Committee's relationship with the disabled community, if I can put it like that, and indeed the GDA's relationship with the disabled community – I should have perhaps asked them this – how do you think things have gone? Do you think your Committee has good relations with the disabled community? Do you think they could be improved?

1650 **Deputy Le Clerc:** Probably it is much more at officer level that we would have a one-to-one with the disabled community, probably through some of the benefits system that we offer. I think through the GHA and the social housing side, again, we have people who come in with needs and access issues through that. Occasionally, at Committee level we might have a one-to-one case where some financial support is required over and above and we get an administrator recommendation on that. But I think it is probably much more officer level who are dealing with people in the community.

1655 **The Chairman:** Mr Ashton?

1660 **Mr Ashton:** Yes, I think certainly on a one-to-one basis, this is around some casework and things like that, but of course we can improve our engagement with the community around these things. We must not forget of course that the GDA only represents a small proportion of disabled Islanders as well. So of course we can get better at that and we have to learn from that, and I think that will come – I am hoping that will come – as we focus more on the awareness and changing attitudes piece, because we have got to be engaging with people.

1665 **The Chairman:** Indeed, that would apply to all Committees of the States...

**Mr Ashton:** Yes, that is right.

**The Chairman:** Have we got any other – looking at my colleagues – questions?

1670 **Deputy Roffey:** Just a comment that I am picking up enormous positivity about what is going on at the moment. I know there is many a slip between positivity and actually getting the end result. We have often seen that, but I think we should continue to monitor this. It is obviously going to be quite fast moving over the next couple of years and almost every six months we shall be expecting an update on where we are, I think.

1675 **Deputy Le Clerc:** I would just like to say I know that sometimes, and I know that certain, Deputies are reluctant about consultants and experts, but I think what we tried to do is we tried to do it ourselves, there were no real resources that came across and there was no real handover because there was that gap and there was no officer, and one officer when it was under policy Council – because, as Emilie said, it was her previously and then the other incumbent left. So we had to pick up the pieces and it has taken us time, but we have realised that we have to have that external help on this and I think that is where we have been really fortunate in having top experts, particularly in this first phase.

1685 **The Chairman:** I meant to ask that question before. I think you have answered it, but there was no possibility of using any on-Island resources; you had to go to the University of Ireland in Galway to get that level of expertise on what you wanted to do?

1690 **Deputy Le Clerc:** I believe so. We have some staff working on it and we have had to take them off other projects to work on this, but the level of expertise ... The great thing is that they will be working with our officers so our officers will be learning, particularly in these next six to eight weeks when we will be pulling that phase one together. So they will not be working in isolation, they will be working as part of a team within ESS.

1695 **The Chairman:** Thank you very much.

Yes, we should say there will be a *Hansard* transcript of this hearing and we will probably be taking one or two weeks just to give thought to what we put out. We will put out some kind of witness summary of what we think we have learned today, in a week or two. But thank you very much, much obliged.

*The Committee adjourned at 3.54 p.m.*