



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Tuesday, 5th June 2018

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

Volume 7, No. 13

ISSN 2049-8284

*Published by Her Majesty's Greffier, The Royal Court House,
St Peter Port, GY1 2NZ. © States of Guernsey, 2018*

Present:

Richard J. McMahon, Deputy Bailiff and Deputy Presiding Officer

Law Officers

R. M. Titterington, Q.C. (H.M. Comptroller)

People's Deputies

St Peter Port South

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

St Peter Port North

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

St Sampson

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

The Vale

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

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

The West

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

The South-East

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

The Clerk to the States of Deliberation

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

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur),
Deputy R. H. Tooley (*relevée à 9h 49*);
Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E. (*relevé à 15h 37*);
Deputy L. B. Queripel (*indisposé*); Deputy V. S. Oliver (*indisposée*)

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States of Deliberation

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

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCAATION

CONVOCAATION

The Greffier: To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at The Royal Court House on Tuesday 5th June 2018 at 9.30 a.m. to consider the items listed in this Billet d'État which has been submitted for debate.

Billet d'État XV

POLICY & RESOURCES COMMITTEE

I. Policy & Resources Committee – The Policy & Resource Plan (2017 Review and 2018 Update) – Debate commenced

Article I.

The States are asked to decide:

Whether, after consideration of the Policy & Resource Plan (2017 Review and 2018 Update) Policy Letter dated 30th April 2018 they are of the opinion:

1. To direct –

a) the Principal Committees to work with the Policy & Resources Committee to develop the reporting of their service outcome metrics by December 2018;

b) the Committee for Home Affairs to work with the Policy & Resources Committee to establish appropriate governance and support for the Justice Framework Initiative by December 2018;

c) the Committee for Health & Social Care to work with the Policy & Resources Committee to identify opportunities to coordinate the Public Health Outcomes Framework and the Policy & Resource Plan Monitoring Report, reporting in the 2018 review of the Policy & Resource Plan priority area 'Health and Wellbeing' (June 2019);

- d) the Committee for Health & Social Care to set out objectives with performance measures for the Care Commission in its Policy Letter to be submitted in the fourth quarter of 2018;
 - e) the Committee for Health & Social Care to set out objectives and identify performance indicators for the Adult Multi Agency Support Hub (AMASH) for reporting in the Policy & Resource Plan Monitoring Report (from December 2018);
 - f) the Committee for Education, Sport & Culture to report in its 2018 performance report on the monitoring approach to evaluate the impact of the new school curriculum;
 - g) the Policy & Resources Committee to redraft the Policy & Resource Plan to reflect the revised policy objective 'Transforming Education' from merging 'Secondary and Post-16 Education Transformation' and 'Life-Long Learning';
 - h) the Policy & Resources Committee to identify milestones for progress reporting and the longer-term impact measures of the Supported Living and Ageing Well Strategy and report in the 2018 review of the Policy & Resource Plan priority area 'SLAWS';
 - i) the Committee for Employment & Social Security to engage with the Policy & Resources Committee with regards to a reporting framework with implementation targets to be included in the Secondary Pensions Policy Letter to be debated in the first quarter of 2019;
 - j) the Committees for Employment & Social Security and for the Environment & Infrastructure to work with the Policy & Resources Committee to establish appropriate cross-committee governance and support for the Housing Policy;
 - k) the Committee for the Environment & Infrastructure to work with the Policy & Resources Committee to identify resourcing needs to evaluate against other demands as part of the 2019 budget process and to establish appropriate governance;
 - l) the Policy & Resources Committee to publish an Annual Monitoring Report every December with the aim of establishing if policy implementation is achieving the objectives established by the Policy & Resource Plan;
 - m) the Committee for Education, Sport & Culture to comply through the oversight group with the outstanding extant resolution P.2017/90 (18) (Billet d'État No XX, 2017) by reporting in full to the Policy & Resources Committee to inform the 2019 Budget;
 - n) that an oversight group comprising political representatives from both the Committee for Home Affairs and the Policy & Resources Committee is formed as a priority to oversee the development of initiatives and delivery of savings to include consideration of the outstanding extant resolution P.2017/90 (18) (Billet d'État No XX, 2017) and reporting in full to the Policy & Resources Committee to inform the 2019 Budget;
 - o) the Principal Committees to work with the Policy & Resources Committee to review policy officer requirements (both project and substantive) in light of the policy priorities established by the States in time to inform the 2019 budget process;
 - p) the Policy & Resources Committee to promote and facilitate cross-committee policy development by ensuring priority policy areas have appropriate governance and structure to manage resources, progress initiatives and report cohesively within the policy planning process; and
 - q) the Policy & Resources Committee to undertake a comprehensive review of all extant States' resolutions by reference to the Policy & Resource Plan and as appropriate consulting with lead Committees to agree rescission for those de-prioritised by the process, bringing regular Policy Letters to the States to effect the rescissions.
2. To amend the Rules of Procedure of the States and their Committees as follows -
- (a) by deleting the words "on a Tuesday" where they appear at the end of paragraph (2) of Rule 1 and substituting them with the words "on the Tuesday immediately preceding the Meeting to consider the States' Accounts";
 - (b) by substituting paragraph (5)(d) of Rule 23 with the following paragraph -
"(d) every 12 months the Policy & Resources Committee resubmits the Policy & Resource Plan to the States together with commentary on overall progress from the Policy & Resources

Committee, annual performance reports from the Principal Committees and any proposal to amend the Policy & Resource Plan which are considered necessary;";

(c) by substituting items 5 and 6 under that part of the mandate of the Committee for Home Affairs, headed "Responsibilities - Policy, Advisory & General" in Annex A with the following -

"5. the Population Management Regime;

6. immigration regime;"; and

(d) by inserting immediately after item 7 of paragraph B (General Responsibilities of all Committees of the States) of Annex One to the Mandates of Committees of the States, the following item -

"8. when researching, considering and reporting on obligations and duties and other issues arising or potentially arising under International Instruments, to act in accordance with the "International Instruments Policy Directive" as published from time to time by the Policy & Resources Committee".

3. To rescind the following resolutions of the States -

a) the resolution of 1st November 2007, to direct the Home Department to prepare such legislation as may be necessary to give effect to the decision to approve the Department's proposals as set out in the Review of Gambling Legislation Report date 29th August 2007 (Billet d'État XXII 2007, Article X); and

b) the resolution of 28th September 1989 to consolidate the Reform (Guernsey) Law, 1948 and the Loi relative au Scrutin Secret Law, 1899 (Billet XVI 1989, Article XII.2).

5

The Greffier: Article I, Policy & Resources Committee – The Policy & Resource Plan (2017 Review and 2018 Update).

10 **The Deputy Bailiff:** I invite the President of the Committee, Deputy St Pier, to open the debate.

Deputy St Pier.

Deputy St Pier: Thank you, sir.

15 The Policy & Resource Plan, despite its name is of course not in the ownership of the Policy & Resources Committee, it is owned by this States' Assembly and of course it was this States' Assembly that in 2016 agreed the recommendations of the States' Review Committee to put in place the existing Machinery of Government and that put in place the Rules, processes and structures of the Government Business Plan, the Policy & Resource Plan. The role of course of the Policy & Resources Committee is to drive that Plan forward to provide co-ordination and where
20 necessary leadership, but ultimately this is a partnership between the committees of the States including the Policy & Resources Committee and it is owned not by one committee but by the whole of the States. In fact I would go a little further: the Plan is not something that is being imposed upon committees, it is something that has been created by the committees.

25 The Update Report before the Assembly follows the procedure set out by the previous Assembly. Little flexibility was given in the process but should we wish to have more flexibility then it is in our gift to provide it. The view of the Policy & Resources Committee is not dissimilar to that of the Scrutiny Management Committee in one respect, building the Plan has been a long and at times painstaking process, but if committees or the States wish to go faster it is in our gift to do so.

30 A second point where the Policy & Resources Committee agrees with the Scrutiny Management Committee is in terms of the number of priorities. Can we reduce the number of priorities? Of course that too is in the gift of the committees of the States. Each committee put forward the priorities in the Plan and each committee can choose to remove them.

35 What this Update Report gives us then is a base line to measure progress over the next 12 months, and if progress is not being made and evidenced across certain areas then the Policy

& Resources Committee will provide leadership and recommend to this Assembly next year which priorities should fall away if little meaningful progress has been made against them.

Committees have made requests for further resources to deliver their priorities. These requests will be looked at in the round as part of the Budget process for 2019.

40 But this is a point at which to remind the Assembly that the Policy & Resource Plan is intended to provide the vehicle for prioritising existing resources against policy priorities. This means that there needs to be a process of robust prioritisation undertaken by committees in order to do that. Committees should be looking to work within existing budgets as far as possible.

45 The Update Report sets out the progress that has been made since the beginning of the term in prioritising what our Government needs to do to serve our community. The Policy & Resource Plan is beginning to provide greater transparency and accountability as the States and the community now have clarity in terms of (a) priorities, (b) the States' progress against those priorities and (c) the role of each of the political committees in supporting those priorities. The Update Report shows that this is starting to achieve the objective of fostering more cross-committee working as has been demonstrated in priority areas such as Brexit and the Supported Living and Ageing Well Strategy.

50 Enabling more cross-committee working for appropriate governance and administrative structures is critical in delivering the States' agreed priorities and facilitate sharing of resources and expertise. The Policy & Resources Committee is considering how this might be done and will report back to the States later this year.

55 Some of the cross-committee work demonstrates how the States' component parts are able to function as a unified whole – an approach reflected well in the chief committee's operational report which is included as an appendix – in order to meet a previous States' Resolution and which demonstrates how the organisation which supports Government has made progress in terms of efficiency and effectiveness.

60 The Committee reports that are published as part of the update make it clear what the States have achieved. For example, Brexit, digital connectivity and the Children and Young People's Plan. It is clear too where progress has been cautious but the building blocks have been put in place to enable greater momentum over the next 12 months, such as in the Harbour Action Area, or Sea Front Enhancement Area work, the Health & Social Care Partnership of Purpose and the Disability & Inclusion Strategy.

65 It is also clear where progress has been limited over the past two years and where a lack of progress is evident, this has been identified for closer attention such as area sea links.

70 Committees are still undertaking work which the States has not agreed as a priority or which directly supports meeting objectives agreed by the States' Assembly. The process has helped to remind all committees that resource needs to be deployed first against agreed priorities.

75 The Policy & Resource Plan agreed by the States' Assembly sets out that a strong sustainable and diverse economy and sustainable public finances are the foundations on which other priorities must be built. The financial reporting and the progress of the Medium Term Financial Plan shows that progress continues to be made in terms of sustainable public finances remembering that this was *the* biggest challenge of the last Assembly, but we must continue to fix the roof while the sun shines, it is not yet time to build an extension nor to gold plate the fixtures and fittings.

80 With regard to the economy we can be confident but not complacent. The Policy & Resources Committee agrees with the Scrutiny Management Committee that insufficient progress has been made in a number of areas of economic development in the first half of this term, but with the Assembly's support it is confident that a States-wide approach to economic development and diversification in the second half of this term can address that.

85 The Policy & Resource Plan process and update may not yet be the process that we all want it to be, but it is the process that has been put in place and it is up to this Assembly and the committees to make it work effectively. What it has done so far has been to enable this Assembly to be more transparent, more accountable and increasingly focused on outcomes rather than

processes. It is building a culture of ensuring that we have targets and milestones and that we report against them. That is certainly a positive development and one which this Assembly and our community should welcome.

The update also responds to Deputies Yerby and Merrett's amendment on legislation and more information has been provided to the Assembly where that has proved possible in line with the objectives of the amendment. The Policy & Resources Committee is grateful to the Law Officers' Chambers for actively assisting in providing that information.

The prioritisation of legislation working group next meets in June and the Principal Committees through Chief Secretaries, have once again been asked to put forward new priorities and reconfirm existing or ongoing priorities. The progress that is made on legislation is not solely in the hands of the legal draftsmen in St James' Chambers but often lies with Principal Committees.

In November 2016, introducing the first Policy & Resource Plan debate, I said that our collective task was to ensure that we work as a Government with a plan; as a Government that prioritises and allocates its money and people resources in line with those policies; and as a Government that focuses on delivery; and as a Government that strives to connect its objectives with those of the community making it more accountable. Overall, in some places more decisively than others, we are becoming that Government. The update shines a light on where we are doing well and where we need to do better.

The Deputy Bailiff: Well, Members of the States, the Greffier has had submitted to him nine amendments to this set of original Propositions. The last three numbered 7-9 are proposed by Deputy St Pier and seconded by Deputy Trott, and are effectively on behalf of the sponsoring Committee. So I was proposing to take each of those first and in turn, if that is your wish Deputy St Pier.

Deputy St Pier: Yes, sir, thank you.

The Deputy Bailiff: So we will move to amendment 7 first then.

Deputy Tindall: Sir, can I just interrupt a second and say I have lodged a further amendment which is with the Greffier at the moment, just for your information.

The Deputy Bailiff: Thank you, Deputy Tindall.
We will still take the Committee's three amendments first.
So amendment 7, Deputy St Pier.

Deputy St Pier: Sir, perhaps the Greffier could read the amendment for the benefit of those who may not have had the opportunity to see it?

The Deputy Bailiff: Thank you very much. Greffier.

The Greffier read the amendment.

Amendment 7:

1. To delete Propositions 1(a), 1(d), 1(e), 1(f), 1(h) and 1(i).

2. To delete Proposition 1(l), and to insert therefor:

'(l) the Policy & Resources Committee to publish every December an Annual Monitoring Report addressing the adapted OECD Regional Wellbeing Framework indicators set out in paragraph 4.6 of this policy letter with the aim of contributing to establishing if government policy is influencing key measures as desired. This Report should aim to draw together into a single document pertinent progress data on Guernsey's performance, including how Policy & Resource Plan

priorities are performing against milestones, critical success factors and performance indicators as identified by their governing structures (steering groups and working parties),'; and

3. To insert a new Proposition 1(r):

"the Principal Committees to include, in their annual performance reports submitted as appendices to the Policy & Resource Plan, information on their service outcomes as and when these measures become available. Committees may use this as an opportunity to consolidate their current reporting requirements as appropriate in discussion with the Policy & Resources Committee where a tangible efficiency can be achieved without detriment to transparency of reporting to stakeholders."

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

Deputy St Pier: Sir, thank you.

I would like to begin introducing this amendment by thanking Deputies Yerby and Hansmann Rouxel for working with the Policy & Resources Committee on this amendment.

135 In previous debates on the States' accounts and at budget time it has been determined by the States' Assembly that service outcomes should be included within the Principal Committees reporting which of course is now being discharged by the appendices to the Plan before Members this morning. It seemed right to the Policy & Resources Committee that, as service area responsibilities fall within the mandates of Principal Committees then the Principal Committees
140 decide what and how the service outcomes are reported, and that is what this amendment seeks to clarify.

With that in mind, the Policy & Resources Committee has agreed with Deputies Yerby and Hansmann Rouxel that if this amendment is accepted then I understand it will replace amendment
145 3, which has previously been circulated, and we are most grateful to them for their willing engagement so that we could mutually understand each other's concerns. This amendment seeks to clarify the levels and accountability of a full reporting; and with regard to service outcomes it seeks to extend the opportunity to Principal Committees to rationalise other reporting requirements and, importantly, thereby release resource to focus on delivering outcomes rather than merely reporting against them.

150 This amendment also deletes all the sub paragraphs which direct committees to work with the Policy & Resources Committee to develop performance indicators or metrics for individual priorities and also it seeks to clarify the role of the annual monitoring report as a tool to support and inform policy makers without undue bureaucracy and without diverting resource from more pressing work at this stage, which was a key concern for Deputies Yerby and Hansmann Rouxel
155 which we understood.

It is recognised that this will be an iterative development over a number of years and I am not sure that was necessarily well reflected in the original Propositions. It additionally empowers the Principal Committees to consolidate and streamline their service outcome reporting.

160 The Policy & Resources Committee's view is that this approach supports performance management and annual reporting but without increasing bureaucracy or workload on the Principal Committees, which was the concern which drove, as I understand it, the drafting of amendment 3, sir.

The Deputy Bailiff: Deputy Trott, do you formally second the amendment?

165 **Deputy Trott:** I do, sir, thank you.

The Deputy Bailiff: Deputy Tooley, good morning. Do you wish to be relevéed?

170 **Deputy Tooley:** Yes, please, sir.

The Deputy Bailiff: Thank you very much.
Deputy Gollop.

175 **Deputy Gollop:** Yes, sir.

These amendments are curious, at least in a way, because I actually had a lot of sympathy with the Yerby/Hansmann Rouxel report because I think it put a stronger principle of performance measure but did not want to add bureaucracy and wanted a framework from the original OECD wellbeing framework. This of course consolidates that aim, but jumbles it up, because it makes
180 one wonder whether Policy & Resources at this high level have really thought through what they want to achieve because effectively they are moving the goal posts in another direction from their published report.

The problem I find with the version we have before us, and so I will require some convincing to support it, is that it eliminates rather randomly a whole range of Propositions that we might have
185 supported, and I think many of them are really interesting; for example, the Committee for Health & Social Care to set out objectives and to identify performance indicators for the adult multi-agency support hub, the monitoring approach to evaluate the impact of a new school curriculum for Education, Sport & Culture, and I think we will hear more about some changes they are making to the overall P&R plan, and perhaps most significantly as a Member – I am not speaking
190 on behalf of the Committee here but as a Member – of Employment & Social Security to see the restructuring of H&I in which we are identifying milestones for progress reporting and the longer term impact measures of the Supported Living and Ageing Well Strategy (SLAWS). I happen to know that they are going great guns on SLAWS at the moment – far from being a cold SLAW period, (*Laughter*) it is quite warming up with a lot of significant work being done on policy, both
195 social and financial. In fact I would argue we have had more policy on SLAWS in the last six months or nine months than we have seen really effective policy despite huge support for many years, and there has been a real determination I think by the Principal Committees to move that forward.

But we also hear how an engagement on (i) to a reporting framework on secondary pensions
200 ... again that is a hot topic that is being progressed. But I think if we lose the current Propositions as set out, we lose the impetus behind making sure that these strategies are delivered and co-ordinated, not just by Principal Committees but by Policy & Resources, and I would not like support of this amendment to be another manifestation of what could become a go slow, because if we have a concern about the loss of resources that implies we may be do not have
205 enough resources prioritised on these work streams to begin with, because if there is not enough time and energy and scope to do both effective monitoring and effective policy development, then we have wider problem to address.

So I have got reservations about this approach but we will see what arguments come.

210 **The Deputy Bailiff:** Deputy Yerby.

Deputy Yerby: Sir, since Deputy Gollop said that he was sympathetic to the version of the amendment that Deputy Hansmann Rouxel and I were going to propose; perhaps I might just respond to some of those points.

215 Of course removing the specific Propositions 1(a), (d), (e), (f), (h) and (i) does not take away from the fact that committees may want to determine what are suitable progress measures and keep an eye on those for certain projects. Our particular problem with those was firstly it picked out a set of projects that seemed almost completely random from the various projects that committees were talking about in their progress reports, there were no directions to Home Affairs and no directions to Economic Development to measure progress with any of their projects and
220 those must be equally important for the States as they were being carried out by other committees. So it was not sufficiently holistic as a recommendation and of course, as Deputy Gollop knows, measuring progress is not the same as making progress and our core concern was

225 that resources that should be doing the work on these particular project areas would be
distracted by what felt like a fairly urgent order from P&R to work with them to develop metrics
instead, and that was not how we felt resources should be being prioritised at the time.

Obviously having discussed our concerns with Deputy St Pier and his Committee, they were
sympathetic, that is why we have this amendment in front of us today, which reflects that P&R
230 always intended and are willing to demonstrate that they want to take a much more iterative and
gentle approach to this which allows committees to work out how best to use their own resources
to develop their priorities, while leaving with P&R the overall oversight of the adapted OECD
original framework which looks at how all this Government work is going to impact on our
community.

235 So as I said to Deputy St Pier when we were putting these amendments together, I found
myself in a very strange position because I do believe in performance measurement and
particularly in making the public aware and giving them the tools to hold us accountable for what
we are doing, but I believe in doing it in the right order and not in using it as a distraction from
the core business of delivering our work. So I feel that with this amendment we are in a much
more constructive place to make progress at a pace that works for both P&R and the Principal
240 Committees.

The Deputy Bailiff: Nobody else is rising so I invite Deputy St Pier as the proposer of the
amendment to respond to it.

245 **Deputy St Pier:** Sir, very briefly.

I notice that Deputy Gollop said he has sympathy for the Yerby/Hansmann Rouxel draft
amendment, which of course was where the proposals came to remove the Propositions which he
did not want to see removed, so I am not entirely sure therefore how he seeks to reconcile that
position – but that is a matter for him, sir.

250 I would encourage Members to support this amendment for the reasons which Deputy Yerby
has spoken to when she spoke, sir.

The Deputy Bailiff: Well Members of the States, this is amendment 7, proposed by Deputy St
Pier, seconded by Deputy Trott. There are three Propositions within the amendment; I propose to
255 put them all to you together. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare the amendment duly carried.
Deputy St Pier, do you wish to move amendment 8?

260 **Deputy St Pier:** Yes, please, sir, and again perhaps the Greffier could read it out.

The Deputy Bailiff: Greffier, can you read the amendment please?

The Greffier read the amendment.

The Deputy Bailiff: Members of the States, do not worry about the fact that there is already a
Proposition 1(r) that has been inserted now, we will sort out the lettering by the end of all the
amendments and when you get into general debate.

265 So I invite the proposer of the amendment, Deputy St Pier, to speak to it.
Deputy St Pier.

Amendment 8:

To insert, new propositions 1. r) and s) as follows:

"r) the Policy & Resources Committee to

(a) take steps to ensure accountability between Principal Committees and support services delivered by the Policy & Resources Committee, recognising that:

while Committees are independently responsible to the States of Deliberation for exercising the functions conferred on them by resolution of, or legislation approved by, the States of Deliberation, Principal Committees are dependent upon the support available from Policy & Resources in various operational areas, including HR, ICT, Finance, Data Protection, Health and Safety;

it is conducive to effective and efficient government that these operational services should be provided centrally;

such services need to be clearly defined with mechanisms in place to ensure responsibilities are understood and accountabilities established; and

(b) request the Chief Executive to provide an update in the annual report of the Chief Executive; and

s) the States' Assembly & Constitution Committee to consider after appropriate consultation whether any changes are necessary to The Rules of Procedure of the States of Deliberation and its Committees so to reflect appropriately the relationship between Principal Committees and operational services provided by the Policy & Resources Committee."

Deputy St Pier: Sir, thank you.

270 With this amendment, sir, I would like to thank Deputies Soulsby and Prow for their engagement with the Committee which arose from their having circulated amendment 5, and again I will perhaps best leave Deputies Soulsby and Prow to explain their concerns which drove them to table that amendment.

275 However, this version, sir, addressed the concerns which Policy & Resources had with amendment 5 which specifically referred to the development of service level agreements for P&R. There were concerns that we could create an industry in creating agreements amongst ourselves given that we are one organisation that may not necessarily be the best use of resources, certainly in the short term.

280 However, having said that and having engaged with Deputies Soulsby and Prow, I absolutely recognise the concerns which they had, which is that clearly Policy & Resources is providing support to many other parts of the States now, and those are highlighted in this amendment, including of course HR, ICT, finance etc. The terms on which those services are provided on which other committees are reliant in order to provide their services efficiently and effectively is dependent on those areas delivering the support that is required. That is what this amendment seeks to reflect: that there needs to be engagement on that as we reorganise and transform the States; there is a lot of this movement of services going on and around and that does need to be thought about, who is responsible for it, which in essence is what the first part of this amendment seeks to do.

290 The second part of the amendment which is a direction to States' Assembly & Constitution Committee and apologies to them that I do not think there has been an opportunity to consult with them on what it is that the States may be directing them to do, but the concern here was that actually the Rules do provide that if Principal Committees have concerns in relation to their Chief Secretary there is a route by which they can express that in order for it to be dealt with. However, there is no route for operational committees if they have concerns around the way other services are delivered to them, and those may be provided by other senior civil servants, whether it is the Chief Information Officer or the Chief Operational Officer or others, and that is what this part of the amendment seeks to do, so that probably needs further thought to work out how we recalibrate the relationships between the Principal Committees and P&R and indeed the Civil Service as we move these services around.

300 So that, sir, is my explanation of it, but I will leave Deputies Prow and Soulsby to provide their further analysis for Members, sir.

The Deputy Bailiff: Deputy Trott, do you formally second the amendment?

Deputy Trott: I do, sir, and reserve my right to speak.

305 **The Deputy Bailiff:** Thank you very much.
Deputy Prow.

Deputy Prow: Thank you, Mr Deputy Bailiff.

310 I rise to speak to this amendment. I understand, as just outlined by Deputy St Pier, that the amendment seeks to achieve the objectives outlined in amendment 5, already registered and before Members, proposed by Deputy Soulsby and which I intended to second. Whilst I do not get the same warm glow from this amendment as I did from the original, unless Deputy St Pier and Trott say anything further to persuade me otherwise I shall support this amendment.

315 The reason is quite simple, as the initiative will be led by P&R it is much more likely to gain traction if it is couched in terms they feel are achievable. I thank Deputy St Pier for meeting Deputy Soulsby and me to discuss our amendment.

320 Sir, may I please now outline why I believe that this amendment is vital for the delivery of Government business and the P&R Plan. I stress the word 'delivery'; the way the committees are constituted and now operate under the policy planning process they are now completely dependent on the support available centrally from P&R, as Deputy St Pier has already outlined.

325 This includes finance, HR, ICT, property services, data protection and health and safety, among other functions. It is therefore impossible for the operational delivery committees to discharge the functions conferred on them or meet their legislative duties without these centralised services. Furthermore, neither can they build and balance budgets, transform services, improve ICT, develop and maintain properties or manage staff without these functions provided and overseen by P&R.

330 Sir, may I refer to section 1.9 of the policy letter on page 6, which correctly highlights that the States' resources are finite. This section talks about committees having to manage and deploy their existing resources effectively. As I have already alluded to, a vital element of that resource is managed centrally and not by the delivery committees when achieving the priority objectives they have signed up to in the P&R Plan.

335 Sir, in reading through the policy letter and looking at P&R's role within it, I pick up expressions such as 'significant focus on policy matters', 'comprehensive reviewing', governance and administrative structures'. However, I submit there needs to be a balance when allocating resources between those functions, however important, and Government's ability to deliver those front line services that our community expect. We can take any committee priority area focus on the policy, comprehensively review it and put gold standard governance over it, however if there is insufficient resource or technical expertise left on the frontline to actually provide the service it counts for nothing and Government fails.

340 Sir, there is therefore an absolute need to operate around clearly defined mechanisms to ensure the respective responsibilities are defined, understood and can be properly held to account. Clearly we do not currently have this. This is, I hope, what the amendment seeks to achieve, and if successful I for one will be looking very closely at what emerges and its successes.

I would urge all Members to vote for this amendment.

345 Thank you, sir.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

350 I am happy to support this amendment because this policy plan should all be about accountability, if you have a plan you can be held accountable to how well you are doing against it. The accountability in the eyes of the public does lie with the Principal Committees and yet so

355 much of what they are seeking to achieve is so interdependent with the service that they are getting from the centre, both HR, IT, actually something which is not mentioned in here which is the role of P&R as a States' employer as well, is absolutely crucial.

360 So it is vital to understand how that relationship works and where the power lies when there is dissatisfaction with the services that are being provided and when the committee concerned, whichever one it is, feels they are being held back, they are going to be judged by not delivering against the policy plan and yet they are being held back in their view, not through anything that they are doing wrong but by not getting the support that they expect from the centre.

365 I do have to just seek some clarification from Deputy St Pier over the role of SACC here, and what exactly he is expecting. If the amendment is saying that basically the clarification of the interrelationship between Social Services and the committees is going to be carried out principally by P&R and that SACC is going to pick up how that is reflected in the Rules and embodied in the Rules then no problem. If the idea is that in order to have a degree of independence that SACC should play a broader role in actually working through what that relationship would be, then again from the politicians no problem, but as far as staff resource, given that we have got part of one officer and the last Assembly decided we should have a referendum, and we may have to bring a report on a new system of voting depending on what the outcome of that referendum is, and we are going to be reviewing the Code of Conduct and how it is implemented and how Jurats are elected, and I could go on, I think we would need to second somebody to SACC for a period of time to carry out that work. So, that may not be necessary if all we are doing is picking up at the end the outcome and embedding that in the Rules but I would like some clarification on that in his summing up.

375

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

380 The trend that is being debated here of some, what are called, operational services being provided by the centre – I hate that term 'the centre' but that is what we tend to use – provided to Principal Committees has been going on for a number of years; it is not really related to the changes in the committees structures that were made in 2016. It predates those. In fact it even predates the previous terms of the States 2012-16. I have to say I have always been quite indifferent to it. My view is that I do not really care where these services are being provided from so long as they are of a high quality and that committees have access to the right resources and the right skills at the right time.

385 I think actually although there is some nervousness about this trend now we are as a States in a better place than we were five or six years ago, because when this trend started prior to 2012 I think, well I am sure, it had sincere objectives but it also had quite a lot of sort of command and control thinking behind it, that committees needed to be brought into line, they needed more discipline and a way of doing that was to centralise as many of the functions as possible and then the centre could run a sort of rod of iron through everything that States' committees do. That was the impression I always got, and I think there were several examples to back it up.

390 I think that has changed, the thinking has evolved and I am content whenever I have discussions with Members or officers under Policy & Resources that their intention is to be enabling of Principal Committees, not to be controlling of them and to try wherever possible to provide the support that Principal Committees need. Now it is not always going to work to the satisfaction of Principal Committees, not least of all because P&R has budgetary responsibilities and Principal Committees often see things slightly differently in budgetary terms, but generally speaking I think the intention is healthy and constructive throughout the organisation to a much greater extent than it was a few years ago.

400 Actually that perhaps bears out the next point I wanted to make which was that these things always come down to personal relationships and whatever processes and procedures are put in place, if the people involved generally have a constructive and health working relationship nine

405 times out of 10 problems will be met with resolutions which are satisfactory to all parties. Where relationships are strained or break down completely even the best processes in the world are unlikely to result in sensible resolutions.

The only concern I have, not so much with the wording in the amendment but with something Deputy St Pier said when he introduced this amendment, is that he implied at least – he will
410 correct me if he thinks I am wrong, but I think he implied – the need to establish some kind of accountability between Principal Committees and the officers who are providing the services centrally, and I know what he means by that, but the accountability has to rest with the Policy & Resources Committee itself. I mean every service that is being provided by the States or on behalf of Principal Committees falls under a political committee somewhere, and I do not think that the
415 Policy & Resources Committee can just say well ICT or policy or communications, or whatever it is, whatever kind of corporate service is provided corporately and then that is sort of delegated out to staff, albeit senior staff, and we can absolve ourselves of all responsibility for it.

I am not saying that Deputy St Pier wants to do that or was necessarily implying that, but I think there is a risk that as the Policy & Resources Committee absorbs more of these corporate
420 functions and they are then loaned out, as it were, to committees that there could be a disconnect between the political responsibility for those services and the provision of the services, and I do not think that can happen. I do not want to be told in a year's time, 'Ah well, the finance function is provided centrally. That has to do with the States' Treasurer, it is nothing to do with the Policy & Resources Committee,' because actually it is P&R which is driving this trend towards the
425 centralisation of corporate services. So I just say that really to put it on record.

What it comes down to in the end is that if any of these services are not being provided back adequately to the committees I am involved in, if we cannot resolve it at staff level I will be banging on Deputy St Pier's door and telling him he is responsible and it has to be sorted out at a political level. I think he understands that, I think the Policy & Resources Committee understands
430 that, but I just wanted to put that on record, because I was concerned by an implication in his opening speech, and perhaps he would provide some reassurance when he concludes on this amendment.

Thank you, sir.

435 **The Deputy Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: Thank you, Mr Deputy Bailiff.

I rise primarily just to respond to my colleague Deputy Fallaize's speech. I do not disagree with him, I think those of us who go back in the States some time know that there have been at times
440 various incidents and accidents that have occurred which perhaps give the impression that some of the scenarios that he painted were actually the case behind the scenes in every incident. That is not my experience.

I think he is right when he says that it all comes down to personal relationships and very often where they break down, be that in staff or politically, that has an effect on us and our perceptions
445 of things.

I am old enough and long enough in the teeth to go back to a time when there was something called a committee secretariat that provided services more generally for various committees who did not have many or any staff at all.

There has been at times, I think, a general centralising of function partly because that is
450 actually better in most cases for staff as well to experience working on a number of different projects across various committee mandates.

However, it is important now in the day that we live in that there is proper accountability between committees, and understanding of, as Deputy Fallaize said, of where responsibility lies. There is no doubt that in the world that we live in today we need to respond more swiftly and we
455 also need staff to be able to be more flexible than they were in the past.

460 So this amendment touches on some of those issues which have been going on for some time,
as Deputy Fallaize says, but I do not believe that P&R is power building in this, it is looking at the
best way to help every committee, in other words all of us, because at the end of the day it is the
States of Guernsey that is the employer. I accept the point that P&R take that role, but we have to
take responsibility and therefore it is in debates such as this that we have an opportunity to ask
questions, but also this particular amendment deals with the manner in which in the normal case
of things that happens every day we can deal with problems as they arise and provide that degree
of both service and accountability for that service where staff need to be deployed in perhaps
different ways than they have in the past.

465 **The Deputy Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

470 Reading this amendment I am somewhat disappointed that it refers solely to Principal
Committees. I understand that the Development & Planning Authority, amongst others, also
receive assistance from central services, and as a result I would have thought that it would also be
sensible for us as Vice-President of that Committee to be accountable also. We are more than
willing and I would like to see that reassurance that perhaps this will be tweaked to be able to
ensure that all States' committees are held accountable in the same manner.

475 Thank you, sir.

A Member: Hear, hear.

The Deputy Bailiff: Deputy Gollop.

480 **Deputy Gollop:** Sir, I too noticed the omission of the Development & Planning Authority, and I
think this will be a theme that will be continued over this week that there are some committees in
this structure, they may not be allocated the status of Principal Committees but they are in fact an
intrinsic part of the centre, another obvious example is the States' Trading Supervisory Board, and
to a degree the Scrutiny Management Committee, and so I think it is important that we have a
real model in front of us rather than a bit of a confused picture.

490 Like Deputy Le Tocq, I am an old schooler who remembers not only the secretariat but also the
era of the Civil Service Board, and also the era when every significant committee had its own
computer system, and IT specialists, and personnel department, and many of these computers
could not talk to each other, so there were lots of problems back in the day.

495 I think generally speaking the feeling I have got from colleagues is they feel finance has gone
pretty well centrally, better than expected perhaps; human resources is certainly getting there; ICT
is more of a mixed picture, it is fair to say; data protection is an emerging and growing issue that
we are all grateful for the work that has been given to States' Members and others by the centre;
health and safety is a bit curious because of course Employment & Social Security have their own
health and safety operations mode which does significant outsourcing within the community,
looking at how the practical employers are working.

500 I support this amendment as far as it goes, but actually, like Deputy Prow, I had a much
warmer glow about the original because what this reflects really it is a watering down, instead of a
more copper bottom service level agreement, it is effectively a clearly defined mechanism etc. The
problem I have with it really is actually not the text of the amendment but the explanatory note in
that the explanatory talks about:

This amendment seeks to ensure that consideration is also given to the operation of support services, acknowledging
that the Principal Committees are dependent on those services provided by the Policy & Resources Committee for the
discharge of their primary functions.

Well that puts clearly that the Principal Committees may well be dependent on those services from a policy point of view, but it is not a go-slow policy from P&R that can weaken their ability to deliver, because the first sentence of this paragraph says:

The Policy & Resource Plan acknowledges the need to reconcile policy objectives with the allocation of resources.

So if the other half of the equation, the allocation of resources is not there, then for example Health & Social Care, or the Home Department may find a problem in delivering what they promised to deliver and are capable of delivering, but if the central resources – in a way, to amplify the points Deputy Fallaize made – are not being provided then you have a question.

Then finally I suppose the phrase 'centrally provided' implies there is a periphery and maybe the periphery is States' Members thinking up policy and the hub of our being is the corporate centre, and in a sense that is true because frequently the criticism of Government is not actually that we have not come up with 400-page strategic reports, it is that we have not had the people, the finance, the systems, to deliver on time and on budget. So actually I think it is very important that politicians do focus on the need to ensure that the centre is as efficient as it can be and I suppose I have overcome my scepticism about centralisation in some respects because I thought initially it was very difficult for one system to support everything from policing to airports and so on, but it is a delicate balance in a small community with so many diverse services and I think we do need actually a way in which politicians can influence the speed and ability of the centre to deliver those vital services.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I am happy that this amendment comes off the issues that led to amendment 5 whilst at the same time dealing with the concerns regarding the work that would be required if we needed to produce service level agreements.

Just picking up on one point Deputy Gollop is talking about in terms of centralisation and having central services implies a periphery, I do agree with him and we were trying to think around another form of wording, but as it is clear to me Deputy Gollop did not come up with another form of wording it is no surprise we could not find another form of wording so that the best we could think of was 'central centralisation'.

I think it is important to make clear that the amendment should not be seen in any way as a criticism of the services being provided centrally through Policy & Resources, far from it. I said in my speech when I took this office that if we were going to turn HSC around it would need the support of Policy & Resources, IT, HR and finance and the fact that we are where we are is because of that joint working. Most notably the better financial reporting we now get and the fact that we are now making progress in implementing a new local area network.

That is not to say everything is perfect, however, and as Deputy St Pier knows very well, because I have told him, and he also knows I expect things to change, but things are going in the right direction.

No, the reasons are not because of concerns on the services that are being received, but rather they revolve around the fact that whilst this is called a Policy & Resource Plan, it is a policy and policy resource plan. If committees are going to be able to have their policies implemented they need to ensure that the operation resources are in place, especially where they are held outside those committees.

This is not about politicians dabbling in operations, but to obtain assurance that what they decide will be actioned and actioned appropriately. In addition the centralisation has taken place not so much by stealth and I do not want to imply that there has been anything underhand in any way because I actually do support centralisation, I have done it myself in a previous life, but it has happened with a growing lack of clarity as to where accountabilities and responsibilities lie.

Whilst it is not such an issue for operational functions like IT, HR and finance, it will be where there are clear statutory responsibilities such as data protection and health and safety. What we

need to ensure is that staff do not turn out from when they are in Principal Committees and moved into P&R, and turn from being doers into advisers.

555 So finally, current mandates do not reflect the current responsibilities and in particular for P&R which really is now turning into a major operational committee in its own right. I think Deputy Fallaize just brought home the nub of the issue in that regard.

560 So of course, as Deputy St Pier has pointed out, this does not mean that we should not consider service level agreements in the future, but I am happy that we adopt this approach first before committing resources to them and that is why I would ask Members to support the amendment.

The Deputy Bailiff: Deputy Merrett.

565 **Deputy Merrett:** Thank you, sir.

I only rise briefly to discuss something that has concerned me so far during debate and that is the reference to personalities. I believe that we are all adults; that we should work with mutual respect; that we should agree to disagree where possible; and we should work for the best of our community, not in silos but collectively; (**Several Members:** Hear, hear.) after all we have a Code of Conduct for Members and indeed for the Civil Service.

570 But it also is notable from my experience on Economic Development that I believe, sir, they are still, on interim Chief Secretary, if that is the right job title, I appreciate I am rubbish with job titles, but so far that Committee has had two interim Chief Secretaries and one permanent Secretary for I think a grand sum of six months. Now clearly without a consistent lead from a Principal Committee it would be difficult for that Committee to provide consistency and to deliver their mandate, and that is why I think it is really important for this debate that we should think a little bigger, I believe, than personality; we should be adults and we should act in a mutually respectful way towards each other, as States' Members, and also toward the Civil Service.

Thank you, sir.

580

Several Members: Hear, hear.

The Deputy Bailiff: Okay, no further debate.

585 I invite the proposer of the amendment, and the President of the Committee, Deputy St Pier, to reply to the debate.

Deputy St Pier: Thank you, sir.

Just to clarify in response to Deputy Roffey's question it is envisaged that SACC will be picking up the outcome and embedding those in the Rules.

590 Deputy Fallaize said that he did not care where the services were provided from so long as they were provided, and indeed I think there are probably many in this Assembly who share that view. I think it was the concern of Deputies Prow and Soulsby that the challenges were that if they were not being provided is there a better mechanism to ensure that they can be?

595 I certainly agree with Deputy Fallaize that Policy & Resources are not seeking to shirk their political accountability and responsibility for the provision of services, but the reference to other officers was simply recognising that we do have embedded within the Rules provisions for committees to express concerns in relation to the leadership, Civil Service leadership, of their office, but there is not a mechanism by which they can express concerns in relation to the provision of services from outside their office, and whilst his chosen methodology would be to come and bang on my door, I think was the phrase he used, I think it was the preference of Deputies Prow and Fallaize that there should be a mechanism embedded in the Rules, and that is what this amendment seeks to provide.

600 Deputy Tindall – I apologise, the reference to Principal Committees I think was shorthand for committees, absolutely no slight intended. I think we all continue to need to learn the right

605 terminology and language, and I think those that are not sitting on Principal Committees are
understandably more sensitive to that, not least because actually their committees are often called
something other than a committee, although of course they are a committee of the States, and I
notice that she has circulated an amendment which seeks to address that reference elsewhere,
and no doubt we will come to that in due course.

610 Deputy Gollop described this as a watering down. I think, as Deputy Soulsby said, it is really
more a pragmatic reflection of where our priorities and resources should be lying right now, and
as Deputy Soulsby said, it actually may well be that this evolves into, in due course, the
development of service level agreements where appropriate; but that is not something that we
felt we should be seeking to throw a lot of time and thinking at right now. It is more important
615 just to get on and make sure the services that need to be provided are being provided.

I absolutely agree with Deputy Merrett's comments about personalities. That certainly was not
something I referenced when I spoke and I think many would echo and agree with the comments
that she made.

So with that, I encourage Members to support the amendment.

620

The Deputy Bailiff: Well Members of the States, this is the vote on amendment 8, proposed
by Deputy St Pier, seconded by Deputy Trott, which will have the effect, if approved, of inserting
two new sub paragraphs into Proposition 1. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare the amendment duly carried.

625

Amendment 9 was the next one. Deputy St Pier, is it your wish to move that amendment now?

Deputy St Pier: It is sir, and once again I think it would be sensible to have it read.

The Deputy Bailiff: Thank you very much.

630

Greffier, if you could read it for us please.

The Greffier read the amendment.

The Deputy Bailiff: Thank you, Greffier.

Deputy St Pier.

Amendment 9:

1. To delete Proposition 2(a), and to insert therefor:

*"(a) by deleting the words "the States' Accounts which shall begin on a Tuesday before a Meeting
in June, and a Policy & Resource Plan which shall begin on a Tuesday" where they appear at the
end of paragraph (2) of Rule 1 and substituting them with the words "and the Policy & Resource
Plan and States' Accounts which shall be considered at the same dedicated Meeting in June
which shall begin on a Tuesday except in general election years when they will be considered at a
later date in that year".*

2. To insert the following Proposition immediately after Proposition 2 –

*"2A To rescind that part of the resolution of the States made on 28th September, 2017 on item X
on Billet d'État No XVIII dated 7th September, 2017 insofar as it relates to the dates on which
States' Meetings shall be convened in June 2019 and to agree that the dates on which States'
Meetings shall be convened during June 2019 shall be as follows –*

12th June (Ordinary Meeting)

25th June – Policy & Resource Plan (progress and review) and Accounts."

635 **Deputy St Pier:** Sir, when read like that it can be quite confusing, but nonetheless hopefully the explanatory note which Members will have before them helps to assist.

Sir, I would like to thank Deputies Roffey and Dorey for bringing this matter to our attention and again I apologise to States' Members for its late circulation but the matter was only raised relatively late. However, I think it is a valid observation and concern that the Rules probably do not provide for a logical series of debates in relation to matters in future years, particularly given the decision of the States to move back to end of month meetings, because it was always of course envisaged that there would be two meetings in June when the Rules were originally drafted and therefore the P&R Plan and the accounts would be debated separately, and that is what this amendment seeks to do. It also recognises that in June 2020, which of course will be an election month and therefore there will be no meetings ordinarily, that we will need to do something different, and that again is what the amendment seeks to recognise.

645 Sir, I think it is a fairly self-explanatory and sensible and pragmatic amendment for which Deputies Dorey and Roffey should be thanked.

650 **The Deputy Bailiff:** Deputy Trott, do you formally second the amendment?

Deputy Trott: Yes, I do, sir, and I am happy to speak now if that is to your wish.

The Deputy Bailiff: It is not necessarily to my wish, Deputy Trott, but if you wish to speak you are entitled to! (*Laughter*)

Deputy Trott: I do, sir.

I wish to use my opportunity to speak by asking that we go *aux voix* on this matter. Surely there can be no debate.

660

The Deputy Bailiff: Is there any debate?

In that case I will put to you, Members of the States, amendment 9, proposed by Deputy St Pier, seconded by Deputy Trott, which will substitute Proposition 2(a) and insert a new Proposition 2A. Those in favour; those against.

Members voted Pour.

665 **The Deputy Bailiff:** I declare that amendment duly carried.
Amendment 3, as I understand it, Deputy Yerby, is not to be moved by you. Is that right?

Deputy Yerby: That is right, sir.

670 **The Deputy Bailiff:** So we will skip over that one, and we will turn next then to amendment 2 which is to be proposed by Deputy Le Clerc, seconded by Deputy Langlois.

Deputy Le Clerc:

Amendment 2:

1. After proposition 3, to insert the following proposition:

"4. To agree that the Committee for Employment & Social Security should expand its existing programme of work to develop detailed policy proposals for disability discrimination legislation (agreed as part of the Disability & Inclusion Strategy – see Article 9 of Billet d'État XXII, 2013) into a project that develops proposals for multiple-grounds of protection against discrimination, including disability and, for the purposes of that project –

a) to substitute, for the policy objective heading "Disability and inclusion policy" (approved by the States on 8 November 2017 - see paragraph 4.32 of Article 1 of Billet d'État XX, 2017) and referenced at paragraph 3.16 of this report, the heading "Disability, Equality and Inclusion";

b) to approve, in principle, the enactment of legislation under the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004 for the purpose of preventing discrimination on multiple grounds (to be determined), and promoting equality of status, opportunity and treatment, and the equal enjoyment of rights and freedoms;

c) to note that the Committee for Employment & Social Security will investigate, and make recommendations as to, the inclusion within the legislation of the following grounds of protection, in addition to disability - age; race (including colour, nationality, national or ethnic origins); sex (including pregnancy, maternity and intersex status); sexual orientation; civil (or 'marital') status; gender identity or gender reassignment; family status or family responsibilities (including caring responsibilities); and religion (including lack of religious belief and philosophical belief);

d) to note that the legislation will be based, where appropriate, on relevant provisions of the Irish Employment Equality Acts 1998-2015, the Irish Equal Status Acts 2000-2015, and the Australian Disability Discrimination Act 1992; and

e) to direct the Committee for Employment & Social Security, subject to the allocation of the necessary additional resources, to revert to the States by April 2020 with detailed policy proposals in respect of the legislation referred to above, following consultation with other States Committees, representatives of the business sector and the public.

675 **Deputy Le Clerc:** Thank you, sir.

On previous occasions I have emphasised my personal commitment to returning proposals for disability discrimination legislation to the States this political term and I remain committed to doing so. But we believe there is a genuine opportunity for us to go further than disability specific legislation and develop proposals for discrimination legislation covering both disability and other
680 grounds. All of my Committee think this represents the best way forward, momentum is absolutely vital to this work, and the States Resolution on this question of scope is needed to proceed. This amendment offers the States the opportunity to agree to the principle of a multi-ground legislation and will allow us to proceed.

During February and March this year we worked with experts from the National University of
685 Ireland, Galway, to undertake a comparative analysis of disability discrimination legislation in six countries. Some of these countries have laws which cover multiple-grounds of protection and this has led us to seriously consider how much additional work it would require to develop proposals for multi-ground legislation rather than disability only.

Whilst we would look in more detail at the definitions of grounds of protection, as part of the
690 work, we would hope to further investigate prohibiting discrimination on the basis of disability, age, race, sex, sexual orientation, marital status, gender reassignment or gender identity, family status including caring responsibilities, and religion or belief. Some of these characteristics are covered by the existing Sex Discrimination Ordinance but others are not covered by existing discrimination legislation at all, including race, age and sexual orientation.

There is a demand for protection from our community on all of these grounds. A single multi-ground discrimination ordinance would offer consistency for all Islanders about their rights and responsibilities. A consistent approach might be both fairer and easier to understand. It may also help us to meet other policy objectives. For example, we agreed in February to develop proposals for age discrimination legislation as part of longer working lives to support people to work up to
700 the new state pension age.

With regard to international conventions I would particularly like to draw Members' attention to the fact we extended the Convention on the Elimination of All Forms of Racial Discrimination to Guernsey almost 50 years ago, but we still do not have race discrimination legislation.

We are seeking to extend the Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW), but we do not have sex discrimination legislation covering the provision of goods and services or education.

710 We agreed in the Disability & Inclusion Strategy to seek to extend the Convention on the Rights of Persons with Disabilities, and under this Convention it is expected that legislation takes into account intersecting discrimination. This is where a person might be discriminated against because they are both disabled and a woman, for example; multi-ground discrimination legislation would significantly improve our ability to fulfil our obligations under these Conventions.

715 If we do not pursue a multi-ground discrimination ordinance then it will be seeking to prioritise the grounds of protection and bringing in each ground to the States for approval as separate projects. This would be resource intensive and may take many years before all grounds are covered. In the meantime, Guernsey residents will be left without effective ways to challenge discrimination when they face it.

720 On 3rd May we issued a press release indicating we were considering this question. We invited interested parties to contact us with their views. We have received feedback from 18 individuals and organisations. While there was a range of views represented, the majority supported the expansion of the scope of the work to cover multiple grounds with some caveats. The most common caveat was that disability work should not be substantially further delayed. With the right resourcing we believe that it will not be. We believe the consultancy costs for the wider scope will be £5,000-£10,000 more than for a disability-only approach and we can fund this by reprioritising our budget. We also need an additional staff member for 18 months to prepare the proposals on wider grounds. I am very grateful to the P&R Committee for indicating that they can assist with the funding for the staff member for 2018. I see that as a very positive recognition of the need to keep momentum on the equality agenda after being too long in the slow lane.

730 We accept that we will need to apply for the budget to cover this additional staff member during 2019 budgetary process. I do hope though that through our debate on this amendment the Assembly will express their support for progressing this work at pace. (**A Member:** Hear, hear.)

735 The Committee will provide the necessary leadership and drive to move this work forward. Should the States agree a multi-ground approach, the Committee will do all it can to return proposals to the States this political term, and is reasonably confident this is possible. However, if circumstances arise beyond our control that make the progression of proposals for multi-ground legislation not feasible within this term of Government, we would revert to delivering proposals around a disability-only legislation, as previously agreed, seeking to add the additional grounds at the earliest opportunity.

740 If the States wish to be able to reinforce this legislation, educate people about their rights and responsibilities, and develop an equality and rights organisation then further funds will be needed for those processes. These further costs will be estimated and brought to the States in three ways. Elements of information awareness raising will be included in the 2019 Budget proposals. We are working on an equality and rights organisation business plan which is being developed as part of the Disability & Inclusion Strategy, and the policy letter which we will return to the States, outlining our proposals for legislation, will cover the options around enforcement and associated costs.

750 We do believe that expanding this work to cover multiple-grounds is going to be the most efficient way forward. It will be the most consistent approach for our community, and will be good for our international reputation, but at a more fundamental level we just think it is morally the right thing to do, and I ask Members to support this amendment.

Thank you, sir.

The Deputy Bailiff: Deputy Langlois, do you formally second the amendment?

755 **Deputy Langlois:** I formally second the amendment, sir.

The Deputy Bailiff: Members of the States, the temperature is rising so if anyone wishes to remove their jackets they are free to do so.

Deputy St Pier, do you wish to exercise your entitlement to speak at this stage of the debate?

760

Deputy St Pier: Yes, please, sir.

The Deputy Bailiff: Deputy St Pier.

765

Deputy St Pier: Sir, the Policy & Resources Committee has met with the Committee *for* Employment & Social Security to discuss this amendment in more detail, and it supports the amendment. In particular, Policy & Resources Committee supports the ambition to expand grounds of protection in this way which does support the ambition of the Policy & Resource Plan and the Disability & Inclusion Strategy to build a truly inclusive community.

770

I am grateful to Deputy Le Clerc for acknowledging Policy & Resources assistance in providing a short-term resourcing solution. I think that is exactly the sort of enablement that Deputy Fallaize was speaking about when he was speaking to amendment 8, and of course exactly this sort of enablement which the Committee *for* Home Affairs have also received in some of the support that they have required over the last year or so on one or two of their areas of responsibility, and it is an illustration of Policy & Resources working well with committees where they have a need for assistance.

775

Sir, we have agreed to provide support from our own budget to support the implementation of this amendment during 2018, as Deputy Le Clerc said, and we of course noted, as she has, that the Committee *for* Employment & Social Security must now start to consider prioritising its resources to ensure the longer-term implementation of the work through the budgetary process that she referred to.

780

But I think it is incumbent on me to advise that the Policy & Resources Committee must counsel that the longer term recurring financial implications for both Government and business of the change of policy resulting from this amendment have not yet been quantified and they will need to be by the Committee *for* Employment & Social Security as they plan for implementation and as they consider the timing of implementation and so on.

785

So subject to that caveat, sir, the Policy & Resources Committee supports this amendment.

The Deputy Bailiff: Deputy Leadbeater.

790

Deputy Leadbeater: Thank you, sir.

I have got to admit I have got no issue whatsoever with the expansion of discrimination legislation, the only issue I have really is is this going to have any effect on delivering what we promised to do with disability legislation? Because there is a caveat in the explanatory note, as also mentioned in Deputy Le Clerc's speech, that if for any reason, resource-wise or whatever, it is not feasible to bring it back to the States in this term they would revert back, crack on with the disability legislation and then look to add the others at the earliest opportunity. Now that is the most pragmatic way forward, I feel. I am just a little bit concerned that this is going to have an adverse effect on what we have promised to deliver already.

795

800

Thank you, sir.

The Deputy Bailiff: Deputy Graham.

Deputy Graham: Thank you, Mr Deputy Bailiff.

805

I am going to support this amendment; in fact it would be difficult to find a reason to go against it if we could have the assurance that it is not going to delay the legislation *vis-à-vis* discrimination against those who suffer a disability.

But in the detail there are one or two Pooh traps I think for the Law, which I think now is the time really to air them, and I am really talking about the categories for those persons against whom we wish to protect against discrimination.

810

815 In expanding it from disability it now includes gender identity. Let me say from the outset that I have as much sympathy as any Member of this States for those members of our community who feel in their words 'trapped in the wrong gender', and certainly I make no judgements about those individuals, but my sympathy does not extend in any way to leading the Law consciously into two potential Pooh traps. One is I do not think any legislation should find itself in the position of trying to sustain the unsustainable, and I do not think any legislation should find itself having to sustain that black is white or that left is right and so on, and in the same way I do not think any legislation should find itself having to sustain the notion that boy is girl and girl is boy, and I say that with absolutely not a trace of sensorial content at all.

820 But there are practical considerations as well. Now I am as aware as any of us that sometimes these anecdotal evidences can be exaggerated just to make a point, but there does, on the face of it seem already to be practical difficulties, certainly in the United Kingdom, and the current example does seem to be that of the Girl Guides where a teenage boy can self-declare as a girl then as a right can join the Girl Guides, but not only that will then have the right to shower with those girls and to share the same dormitory. Now a lot of parents and a lot of girls are not happy about that, but the Law would seem to place them in the position where they either like it or they lump it, and in fact those girls who are not happy with that situation find themselves not going on an expedition because of that particular issue. I would hate Guernsey to find itself in that sort of, what I find is a, slightly absurd position, and I would be grateful if Deputy Le Clerc would address that point when she responds to the debate.

830 Thank you.

The Deputy Bailiff: Deputy Green, then Deputy Merrett.

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

I am going to be supporting this amendment as well. As Deputy Le Clerc said, I think the main reason for doing this is the moral argument, but the fact that this will be good for our international reputation is also very important.

840 But I wanted to make three points. The first point is what Deputy Leadbeater said, which is the concern about the delay. When Deputy Le Clerc was introducing this amendment she said – I think she said this twice – 'We believe it will not be delayed in terms of the implementation of the disability discrimination legislation.' I would like to try to persuade Deputy Le Clerc to perhaps give a slightly firmer, perhaps not a guarantee but perhaps a firmer, indication that there will not be any delay because we know, and it was picked up in the brief consultation that Employment & Social Security did, there is a feeling out there that any delay to the long promised and eagerly anticipated disability discrimination legislation will be letting down a lot of people in our Island, and we must try to avoid that. Certainly if there is going to be any delay to that legislation it needs to be relatively minimal and some indication that it will not be an extensive delay in black and white from the President would be helpful I think.

850 Secondly, I just wanted to touch upon the evidence base because as much as I support this legislation there will be people out there questioning whether we need to do this and what the evidence is that this is a problem in our community, and I take the point that quite wisely I think, sir, the Committee for Employment & Social Security did do a brief questionnaire relatively recently, I think Deputy Le Clerc said that they had something like 18 responses, so we are talking about a relatively limited evidence base and I think perhaps going forward it is still not too late for Employment & Social Security to do a bit more testing of the waters in terms of public consultation on what is the extent to which, for example, race discrimination is a quantifiable problem within the employment scenario, or more generally within our Island.

860 As I say, I am completely behind this amendment, and I completely accept the case for developing momentum and for having a multi-ground discrimination law, but we need to be aware, I think, of what the evidence base is for this. We need to know the scale and the nature of the problem that we are dealing with, because we know that people will ask questions.

865 This ties in to the third point which Deputy St Pier made when he spoke on behalf of P&R. We know that this will inevitably have an impact on business and it will have an impact on Government and there will be a cost to that impact, sir, and again we need to know, we need to have an impact assessment conducted so we know what the kind of impact is going to be, and I would similarly, to Deputy St Pier, I would encourage the Committee for Employment & Social Security to do as much work as they can in terms of what that potential impact will be, and indeed to have a proper dialogue with the business community, and a proper dialogue generally with the community about what this legislation is likely to and how it will actually potentially impact.

870 But for all of that, sir, I think these are matters that can be resolved. The fundamental point is this is morally the right thing to do. I completely accept the logic of trying to do this with one multi-ground discrimination platform rather than doing it individually and separately, and I will be supporting this amendment.

875

The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

880 This amendment has my complete support. It is realistic and a pragmatic solution to what has been recognised as a project that needs its scope expanded. In addition to protection and stability the new scope will include age, race, sex, it will also incorporate pregnancy, sexual orientation, civil marital status or a combination, sir, of any of these.

885 The additional resource required has been identified and detailed in the explanatory note; this is good governance and is appreciated. The Committee should be commended for this, sir. This is a good example of a committee recognising that they need to flex, that they need to expand the scope of a project but it must be deliverable and delivered within the timelines that have been described.

890 Sir, whilst standing I would like to mention one area of discontent though. It is the comment that the Guernsey Employment Trust felt appropriate to make in their submission, namely others with other characteristics, meaning not disabled, whose main barrier to employment is poor attitude or a lack of understanding. I read this as the employee having a main barrier to employment being a poor attitude or lack of understanding; with hindsight they might have meant the employer, either way if they have any evidence of this, this alone is a good reason to support this amendment.

895 I have had experience of this, sir, as an employee and as an employer, experienced and witnessing such discrimination on these very shores. Was it a poor attitude or a lack of understanding or was it just simply discriminatory and derogatory comments that have no place in a community like ours. I do not know, but attitude and acceptance certainly comes into it.

900 I do know discrimination exists. Any of us in this Assembly – which by the way, as you all know, has historically been dominated by men of a certain demographic, well if any of this Assembly – have ever tried to recruit or work with the wide demographic of our community we would or could have witnessed such behaviour. It should be acknowledged in my experience it is the exception rather than the rule. The majority of our community are not racist, ageist, or anti-women or anti-men, but to pretend it does not exist is naive and discourteous to the members of our community whom it does affect.

910 I have had the experience of trying to find work whilst having a very young baby, or being pregnant and made, or rather my role being made, redundant, because I would clearly have other priorities, sir, and that is not to mention paternal prejudice. Anyone heard an employer say, 'Yes, they are both good candidates but she is of child-bearing age? Well, actually I have. How about not even being offered an interview because of the colour of your skin or because you have not got a local surname, or how about employers or employees quite openly making derogatory comments regarding someone's colour, sexual orientation, how many children you do or do not have, or the best of all, remarking your age because you are clearly too young, or too old, to be able to make a rational or reasonable contribution to our community. In this very Assembly, sir, a

915 Deputy accused another Deputy of being too young to understand the consequences of their actions, and I quote from *Hansard*, sir:

I think it may be fairly naive of you to be making statements that you have been making, but then we can excuse you for your age, my dear.

Notwithstanding the fact that they should be addressing the matter through you, sir, I am pleased to say that when these comments were made other Members expressed their discontent, but clearly one Member thought it was quite acceptable to imply another Member was unable to make educated, informed, intelligent contribution to debate and was happy to excuse them of this because of their age. I have personally witnessed all of these things in the last 20 years. Needless to say, I have intervened. So if Deputy Green is looking for evidence I will say, I have the parliamentary privilege in the Assembly today so I am able to speak openly. However, my parishioners have told me that many people sign non-disclosure agreements when these things happen so they are not able to speak about it openly in our community.

920
925 But I will be fair to the Guernsey Employment Trust because they specialise in getting disabled people into work and therefore in educating employers about how to make their workplaces more accessible. It is reasonable then to conclude that they may feel this is a different task from educating people and encouraging attitudes to change, to promote more inclusive workplaces for everybody. They may be right but of course you can be disabled and pregnant and/or be a victim of race discrimination or indeed face barriers because of your religious beliefs or marital status, all whilst being disabled.

930 I have heard comments, for example, of, 'Do not employ her she has one baby and will probably want more. We do not want this to happen as we may then need to get rid of her or find someone to cover her if she wants some time off. Have you got family on the Island? If not, how will you organise your child care? It is a big risk for us as an employer to take you when a man has applied for the job when he will not take any time off to have a baby.' Yes, I have heard it all. This is about prejudice and attitude; it is about the culture in which we work, in which we live our daily lives; it is about this Government stating categorically this is not acceptable and will not be tolerated in a modern, progressive community such as ours.

935
940 Lastly, I would like to express my thanks to the Committee *for* Employment & Social Security as I truly appreciate their hard work. Furthermore, I am most appreciative of additional information they supplied in support of this amendment.

I would urge all Members to support this amendment. It could be the best £80,000 we allocate as additional resource in this term of office.

945 Thank you, sir.

The Deputy Bailiff: Deputy Dudley-Owen.

950 **Deputy Dudley-Owen:** Thank you, sir.

I might like to provide some balance to Deputy Merrett's very acute observations. In my work history of the last 20 years I have actually always had a very good experience and never experienced any prejudice of the serious kind that Deputy Merrett has.

955 I have had, however, grave reservations about this amendment due to the risk of slippage on the priority legislation that so many in our community have been waiting for, for so long.

I have spoken now in some depth to the GDA, also the disability rights and access campaigner, Mr Reece-Sheerin, and also brief correspondence with the Committee, and these correspondences have sought to allay some of my concerns and I draw some comfort from the qualified support proffered by the GDA and also Mr Reece-Sheerin. But I am still concerned by the risk of delay and Deputy Le Clerc's assurances are not fool proof in the face of unforeseen curveballs such as we recently saw with the assisted dying debate coming in from external influences.

Please therefore could Deputy Le Clerc state further safeguards that the Committee might put in place to protect the delivery of the Disability Discrimination Law, if such external curveballs appear in the future?

965 Thank you.

The Deputy Bailiff: Deputy de Sausmarez, then Deputy Fallaize.

Deputy de Sausmarez: Thank you, sir.

970 Like many others, I welcome this amendment and I was very pleased to hear Deputy Merrett talk about some of the practicalities of discrimination that I think probably sneak under the radar and I think we just take them for granted, and as Deputy Dudley-Owen pointed out, different people have got different experiences, but I do not think that we should just accept that discrimination happens, I do think we need to work as a community to become more conscious of
975 them and to get rid of this discrimination as and when it occurs.

I just wanted to expand briefly on what Deputy Merrett was talking about actually, because for me one of the big issues in matters relating to family responsibility and maternity and things like that is actually paternity and that is something that is not explicitly mentioned in this amendment, and I would just like the assurance of Deputy Le Clerc that actually it will be included in the scope,
980 assuming this amendment is carried – which I hope it will be – because actually until we as a community stop discriminating against men who want to play a greater role in their family responsibilities we will never overcome the obstacles that face women in those respects, and so I think paternity is an incredibly important issue that needs attention.

I would also just very briefly like to comment on the issue that Deputy Graham raised. I think
985 Deputy Graham voices a concern that I think other Members maybe share, but the point I would like to make about it is that I do not believe Deputy Graham was saying for a minute that he does not believe we should not – there are too many double negatives in this – I think Deputy Graham would probably agree with me that we do need to have Laws, the legislation protecting against discrimination on grounds of gender identity. I think the concern that Deputy Graham was raising
990 was on how that identity was formulated and specifically actually around self-identification. So I think it was just important to clarify that it was not ... I think Deputy Graham probably did mean this but for my own reassurance I would just like to put on record that I think it is important that we include gender identity within the scope of this and within the scope of legislation around discrimination, but Deputy Graham made a valid point about how that identity is arrived at, I
995 suppose, and I think the concerns that he made –

I give way to Deputy Graham.

Deputy Graham: Well, I am grateful, I merely rise to say that was precisely the point I was trying to make. It was around self-identification.

1000

Deputy de Sausmarez: Thank you. I think that is it.

The Deputy Bailiff: Deputy Fallaize.

1005 **Deputy Fallaize:** Thank you, sir.

I speak in this debate on discrimination as a white middle-aged, middle-class man, and say I do not know what the problem is. *(Laughter)*

Seriously, I speak as a Member of the Committee for Employment and Social Security, which is unanimously in favour of this amendment. Clearly there will be some delay because it is not going
1010 to be possible to expand the scope of the legislation and draft it and the policy behind it as quickly as it would be if the legislation was on one ground of discrimination only.

I think the point is that the and the anticipated delay is minimal and in the long run if the States had to establish different articles of legislation for each ground actually the period of time

1015 it would take to do all of that cumulatively would be longer than if it was just wrapped up in one
single piece of legislation. So I do not think that timing is a reason not to support the amendment,
and I think I am right in saying that most of the people we have heard from from the community
which represents people with a disability have expressed support for this amendment, so I do not
think that those are reasons enough to vote against this amendment.

1020 In relation to the point that was made by Deputy Graham, I just wanted to assure him that his
views in relation to gender identify and gender reassignment are well represented, or they are
represented anyway, on the Committee for Employment & Social Security by me. I share his views.
I think it is right, as Deputy de Sausmarez has said, to ensure that gender identity and gender
reassignment are included in the scope of the legislation, and Deputy Yerby and I have had many
discussions about this and we are hopeful – confident is perhaps putting it too strongly, but
1025 hopeful that it is possible to come up with a form of legislation which does protect against
discrimination against people who have changed their gender identity or have had gender
reassignment without offending the vulnerabilities in other groups of people which Deputy
Graham was referring to. If we cannot then Deputy Yerby and I are going to end up, not falling
out, but having a robust debate in the Committee and we will have to see which way the
1030 legislation comes down.

Deputy Graham said legislation should not try to pretend that left is right or that black is white,
the way I would explain it in this area is that legislation ought not to be contrary to what we know
about biological science. I do not think that we can end up in a place where we have Laws which
pretend that human choice can prevail over what we know about biological science. Now I think
1035 that we can get to the point where legislation does not do that and still ensures that there is
protection against discrimination for all persons irrespective of their gender identity and gender
assignment. I very much hope that is the case, but Deputy Graham's view is represented inside the
Committee and will be considered when the Committee comes to frame the legislation, if indeed
the amendment is approved, which I hope it is.

1040

The Deputy Bailiff: Is there any Member who wishes to speak against the amendment
proposal to insert a new Proposition 4, because if so I will call them next? Very well.

Who wishes to speak next? Deputy Le Tocq.

1045 **Deputy le Tocq:** Thank you, sir.

I just rise to echo points made by my colleague, and formerly by Deputy Graham as well, with
regard to my concerns with such legislation that when we go down one route we do not look at
things independently and we look at the effect that they have on other groups that we are also
seeking to protect against discrimination. That is very important because I have come across
1050 incidents elsewhere outside this jurisdiction where the rights and protections of other groups for
example women in the case of those that we may want to protect in terms of self-gender
identification, but I am reassured by the comments that Deputy Fallaize has just made that that
will be taken into consideration by the Committee when they come forward. That is very
important, because whilst we want to have sympathy with these groups in the main, where they
1055 are very minority groups we need to take very careful consideration of what the overall effect is
on our society and I think that needs to be done carefully.

It was largely because of that that I was very concerned, sir, that this initially when this was
mooted by the Committee and obviously it was not initially in the form of an amendment but
what they wanted to change in their particular policy plan, I was very concerned that this would
1060 end up taking an inordinate amount of time and therefore delay even further the disability and
inclusion legislation that we need to bring in, the disability part particularly. I am reassured by
Members of the Committee regarding this.

I think it is unrealistic of Deputy Green to ask for assurances that there would be no slippage at
all, obviously I think there will be some. My concerns would be it should be a matter of only a few
1065 months not going on for years. The fact is we are already in slippage and I say this standing up

1070 knowing that it came under my remit really when I was both Deputy Chief Minister and Chief Minister and introduced the beginnings of this. We are now seeing some delay, and I feel for people with disabilities in our Island who are desperately particularly looking for employment and need the protection of that legislation and need our culture and our community to change its culture towards people with disabilities.

So I really look forward to that part particularly not being delayed more than a few months, and I could just ask if the President of ESS when she sums up if she could confirm that what I have represented or sort of represented here is the understanding of the Committee.

Thank you.

1075 **The Deputy Bailiff:** Deputy Gollop.

Deputy Gollop: Sir, thank you very much.

1080 You interestingly asked us is anyone against the amendment; well I am almost against it. No, actually Deputy Fallaize said that the Committee is unanimous in supporting it and certainly I am going to support it for a number of reasons.

1085 But in a way the amendment should be unnecessary. Deputy Le Tocq has reminded us that this is a long lasting workstream: the strategy in principle was approved in 2013, nearly five years ago. We also noticed that we are including ... one of the provisions is to expand it to disability equality and inclusion. Well actually, inclusion by its very nature really should include equality and we have long since approved in principle an equality and rights organisation. So really we have already approved the principles of this amendment implicitly.

1090 I would also argue that the case for additional finance, we should not really need a business case for that. For many years this workstream was part of the Policy Council; instead of staying with Policy & Resources it got transferred to Employment & Social Security and, as one can see, the consultancy services are a bargain compared to many areas of States' expenditure. As Deputy Green and others have pointed out, it is an integral part of our international identity. I would argue that the additional staff cost is something we should be bearing centrally. So I think we must support the amendment in every way.

1095 Of course I am very much of the opinion that if there is in any way a delay to the Disability & Inclusion Strategy the Assembly may have to reconsider that, but I am confident that that will not be the case and that we are effectively covering the ground work for an effective equality and rights organisation from the start.

1100 In fact when one looks at the issues that have been raised people do suffer from multiple considerations, and Deputy Merrett pointed out, for example, the somewhat regrettable attitudes that have been found in relation to the employment of women, especially women who are pregnant, but I think that might reflect not only perhaps Guernsey's paternalistic past but also the fact that many employers in Guernsey are comparatively small and we do need – that is not an excuse but we do need – to see therefore suitable reasonable adjustments to be made and a policy to be built-in that understands that; and if that does on occasion require a degree of States' intervention maybe even States' support for expectant parents, not just expectant mothers, then that is something we need to look at for the future. In fact one could argue that modern parental policies are very much linked with this.

1110 As regards Deputy Graham's points about Pooh traps, I was amused at that because he implicitly mentioned the identity of a well-known bear, not Paddington Bear but Winnie the Pooh bear, and Winnie the Pooh perhaps is not a role model in every respect, because he appeared to have discrimination against heffalumps and was sceptical of Kanga on the grounds that she was both a female animal and Antipodean so he perhaps would have to be subject to his own disability inclusion and equality purpose.

1115 But I think this is the pragmatic next stage forward and we do need the policy development work, and what I like particularly about this amendment is it commits ourselves not only to the ideals that Mrs June Sarpong pointed out in her recent visit to the Literary Festival but it

specifically links the next stage of the workload with the Irish Employment Equality Act, the Irish Equal Status Act, and the Australian Disability Discrimination Act. We have seen that the formerly rather conservative Republic of Ireland have moved forward radically, it is now time we do the same.

The Deputy Bailiff: Deputy Brehaut.

1125 **Deputy Brehaut:** Thank you very much, sir.

Just one brief speech on one very small area and bearing in mind we have a new Committee at Education, Sport & Culture. The issue of discrimination with regard to what is known as the determination process is something that interests me. People's life chances, future employment opportunities can be compromised because the determination is made that they are in one setting as opposed to in with the majority of their peers. So do children find themselves in settings simply because that is where the staff resource is, because that is where the building is, because that is where their needs can be met, or can they not be educated collectively? I think there is scope with any future provision of education to have regard to the disability legislation and this amendment in particular.

1135 Thank you.

The Deputy Bailiff: Deputy Yerby.

1140 **Deputy Yerby:** Sir, I wanted to start by apologising to Deputy Leadbeater for not reaching out to him ahead of the debate, in the context of other recent discussions, I should have guessed that that would be where his concerns would lie. As a number of other Members have also raised concerns about the process that we will be following and the risk of delay that may be involved, perhaps it would be helpful for me, as the Member of ESS who is most closely sponsoring this project, to explain again how it is going to work.

1145 We have known for a long time of course that we need to develop Laws that protect disabled people and carers in particular from discrimination. For a while the Committee has been working with the intention of drafting this from the ground up, so to speak, but this is a major project and would result in Guernsey having its own very bespoke law that its own legal community, its judiciary would have to come to terms with, would have to learn its way around and then have to put in practice and actually we felt we would be much stronger if we could borrow from the best practice of another jurisdiction and we would have not only a model of law to work with, but in terms of case law, in terms of putting it into practice, in terms of advising employers and service providers on how to work well with this Law, we would be stronger from the get go.

1155 So the Committee working with the project team for the Disability & Inclusion Strategy decided that what it would do is look at the laws of a number of other jurisdictions. We started by saying we will only take English speaking jurisdictions because the first thing we do not want is for the Law to be lost in translation. So we short-listed five or six different countries which included the ones we have ended up selecting, Australia and Ireland.

1160 We initially thought can we do this in-house, but we were not confident in our ability to interrogate the laws and make sure they definitely would meet our policy objectives and that we would minimise, as Deputy Graham called, some of the Pooh Bear traps. So we commissioned a pair of experts, as Deputy Le Clerc said, from the National University of Ireland in Galway to work with us on this. They reviewed all the laws on our shortlist for us and came back to us saying, 'The laws from Australia and Ireland will work best for you. They will achieve your policy objectives best, they will work best in the local context of course with some adaptations and they will be consistent as far as possible with the UN Convention on the Rights of Persons with Disabilities,' which this States has committed to signing up to, and which has really been the guiding light for everything that we are doing around disability and inclusion.

1170 Now one of those laws, the Irish law, covers all manner of grounds of protection, not just
disability only, so we had an opportunity ahead of us to say well can we kill several birds with one
stone, can we provide protection to everybody rather than just dealing with disability through this
process? The fortunate thing is that what we have to do in order to adopt the law is exactly the
same, whether we are considering all grounds of protection or whether we are just considering
1175 disability, because we are not reinventing the wheel, we are looking at these model laws other
jurisdictions have and basically saying how can they be implemented in the Guernsey context. It is
almost exactly the same process or it is exactly the same process whether you are just looking at
disability or whether you are looking at equality.

The only reason really I think we have to build in a little period of delay to the Equality Law is
because when you are implementing a new Law you have to ask yourself the question well how is
1180 this going to interact with other Laws that we already have in place? So the actual process of
looking at the Irish and Australian models and adapting them for Guernsey will be exactly the
same for disability as it will for equality, but we have just got to ask ourselves a few more policy
questions about how is this going to work with the existing body of Law. So that is the reason why
the Committee has allowed for a slightly longer timeframe for the Equality Law and has required
1185 slightly more resources to do that.

But I have to say, sir, that Members have been hedging their bets. After all, if we fail on
equality law they may have voted for the amendment but they fiercely defended disability law in
the process, but it takes more than that, and perhaps I can give Members a bit of assurance;
perhaps Members will forgive me for being a little bit righteous when I say the first thing I do
1190 every Monday morning is to go into Edward T Wheadon House to sit down with the senior
operating officer of Employment & Social Security and the whole team working on the Disability
& Inclusion Strategy and review the progress for the last week and the steps that we have to take
this week to move it forward, every single week. So we are keeping our foot on the pedal for this
strategy. We are trying to make sure that we deliver in this States, and I completely accept that it
1195 will be on my head if we do not.

But in doing that we have to be pragmatic, we have to focus on the most important work that
will allow us to achieve the areas of disability and inclusion that the States have currently
prioritised, to use what we have got at hand to do so, and to shield the team in effect from work
that may distract them from concentrating on those priorities.

1200 So where Deputy Green asks for further surveys I would assure him, for example, that we have
extensive statistics from our Employment Relations Service and from the Citizens Advice Bureau to
underline the extent of discrimination in the Island. Going out to establish the public's views on
broadening the scope of disability law into equality law is far from the only bit of research that we
have done in establishing the need for it.

1205 We can see from the statistical picture, for example, that enquiries about racial discrimination
to the Employment Relations Service have increased fourfold in the last year. We know
qualitatively from conversations with focus groups that we have brought together over the course
of the past year that there are experiences not only of different forms of discrimination but of
things that you might very well call hate crime in the community – incidents which I have had no
1210 personal experience of and which shocked me to hear about.

So I can hopefully assure Deputy Green and other Members of this Assembly that we have
been constantly learning and trying to establish the scope of this project. But that the best way
that he and others can assure progress in providing protections against discrimination for
disabled people and carers now is to remain focused on the development of the law and the
1215 education and the information provisions that we need to assure alongside that.

Finally, sir, I would like to assure Members that the mode that we are proposing of introducing
equality law incorporating disability provisions is the most consistent with the UN Convention on
the Rights of Persons with Disabilities. That Convention recognises that a disabled person might
be discriminated against on the basis of their disability but they might be discriminated against
1220 for overlapping reasons, such as gender or religion, as Deputy Merrett pointed out. The

Convention specifically asks that they are protected along all those axis. So if we can ensure that we have an Equality Law in place from the get go and that protection is available equally to all members of our community we will not only choose something better for the whole community but we will be achieving our core aim of working toward the UN Convention on the Rights of Persons with Disabilities.

1225

Thank you, sir.

The Deputy Bailiff: Deputy Hansmann Rouxel.

1230

Deputy Hansmann Rouxel: Thank you, sir.

I rise briefly just to commend Deputy Yerby on her speech and laying out why this is an incredibly important step forward, and yes there has been concerns about delays.

But one of the fundamental things that we need to understand is about human rights, and human rights look at the whole person, and if we did not have any discrimination legislation or different conventions those little specific things that are falling through the general net of human rights will not get picked up and we will not be able to lever those changes within our society, and by making this scope broader we are looking at the whole person. It is not just about whether you can be discriminated with, I think it is really important for us to understand it is also about changing awareness, and we are even, by discussing this today, making people more aware of how these different aspects of our lives interact.

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I was quite privileged to be invited along as a non-Member of Employment & Social Security, but in my role as Disability Champion, to sit in on the presentation by the experts, and the idea of taking apart different legislation and looking at these different countries and understanding how those laws interact in society, but most importantly the expertise that we gained by having those experts looking at this from their perspective is the history of how these bits of legislation have evolved. How human rights, how conventions have evolved and as they evolve and mature how they interact with different legislation, and we have a unique opportunity here.

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Now I often mention coming from South Africa and I am not going to talk about discrimination in terms of South Africa but actually something different about bank teller machines or your ATMs. Now South Africa was quite behind the rest of the first world in implementing different bits of technology, and ATMs had been in the UK and in Europe for quite some time and we suddenly got ATMs years after they had been available in other countries. As a result of that we had much more up-to-date ATMs, so when I first came to the UK I was quite annoyed at how un-advanced, how coming from a third-world country how can this possibly be in the first world. That happens when technology moves forward when legislation moves forward when human rights and different bits of life move forward and we are able to jump in at the other side.

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What I am trying to explain in terms of what we are doing here with the equality legislation is if you look at how different bits of legislation have evolved and then changed and new equality legislation have been implemented in different jurisdictions you can see that they have evolved to single elegant pieces of equality legislation, which is one of the key things that I took from what the experts were saying. So it is about thinking about where we are now instead of copying where people have been before, and making the same mistakes that they have made and having to do more work bolting on things.

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The other point is about the implementation. Having any human rights protections are only as good as the administration, enforcement and compliance with the Law. So if you have complex legislation that has many different little bits and factors it is going to be much more difficult for people to (a) understand and (b) to enforce. Therefore it makes absolute sense to go for something where you will have something as clear and easy to understand, it is elegant, and can be easily enforced. But more importantly will not be over burdensome, so it will not be over burdensome when it is implemented because you will not have to ... a big company would not need to necessarily employ a specialist to then interpret all the different variations of the Law,

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1275 which is currently what happens in the UK where they have all of these different bolted on bits and pieces and the more complex that Law becomes, because as you expand it it becomes more and more complex, it becomes harder and harder, it is a big machine that needs to be maintained and all these different little bits tweaked constantly. That is what we are trying to avoid, and I wholeheartedly agree with the direction that the Committee for Employment & Social Security are going.

1280 The other thing is just to respond to Deputy St Pier's comment about cost, and I believe Deputy Green mentioned that as well. I think it is important for us to realise that when we say what is the cost, yes it will cost us monetary but how can you measure what it costs somebody who is living with a disability and not able to access society, not just employment but not able to access reasonable adjustments in society and they have barriers to just be ... Deputy Yerby did mention that by having equality legislation we would be closer to signing up to the Convention of Rights for People with Disabilities (CRPD), and I would just like to quote from ... As a Government we need to support people with disabilities in society and allow them to live in the community with equal access to quality health care and support; have equality for the law; have their family life respected; have access to an inclusive education; a decent standard of living; accessible physical environment and information; and allow them to make their own decisions. This is one step to encompassing that and I think we need to wholeheartedly support that.

The Deputy Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir.

1295 I was not going to speak. I do not have a long speech, it is more a collection of thoughts that have occurred to me during the course of the debate really. So forgive me if these are two or three slightly disconnected things related to this.

1300 But we are here today to talk about equality, and I think it is really important that we make it quite clear that we cannot have a situation where we say to somebody, 'You are too small for us to expect you to act in a fair manner,' and there has been at least one speech where the point was made that some employers might be too small to be able to bear, for example, the weight of maternity cover and so on, and therefore it might be unfair to expect small employers to treat women in quite the same way that they treat men, for that reason. And honest to goodness, that is just not good enough.

1305 There are different ways of organising the system so that that does not need to be a problem and in fact massive changes have been made to the way maternity is funded. In Malta a jurisdiction not dissimilar to ours which has ironed out this complication, so the changes that have happened in Malta mean that for every employee an amount is paid into a maternity fund, whether that employee is male or female for every employee that is taken on an amount is paid by the employer into a maternity fund and all maternity payments are drawn from that fund. So whether you are employing a man or a woman you are paying the same amount in and if an employee goes on maternity leave it does not matter from which company that employee is based, the money comes from the same fund, and that has ironed out that difficulty. If we are saying and there is no point – there is a Deputy shaking their head at me – there is no point shaking their head, I have just been and read the legislation. There is no point saying that is not something that we can enact.

I give way to Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

1320 I am very grateful to Deputy Tooley for giving way to me.

I was not shaking my head in disbelief that that legislation could be enacted. I am shaking my head as a small business person myself who employs a small amount of people, just wondering about the practicalities of that and I am sure that there are many other small business owners in the Island listening to this at the moment who would also be scratching their heads about the

1325 practicalities of paying into a fund such as that. I am sure that these issues are not insurmountable, but there is an awful lot of work to do before you get to a position like that; there is no panacea, I am afraid.

Deputy Tooley: Well, thank you. I do not think that actually changes what I am saying though.
1330 We cannot have a situation where we say people are too small to behave fairly to their employees. There are ways of ironing these out, nobody is saying they are simple, but nothing that is worth doing is ever too difficult, and we need to make sure that we are doing that.

I also wanted to say something, not to counter the comments made about gender self-identity, but perhaps to balance them a little. I personally know an 11-year-old who three years ago, after
1335 much discussion with parents and counsellors and doctors and six years of insisting that she knew her own mind, stood up and told her class at school that when she was born a mistake had been made. Doctors and others had looked at her and assumed she was a boy, but she was not, she was a girl and would henceforth live as a girl and would like to be known as Rosie. Rosie too is a member of the Girl Guiding Association and it would be wholly inappropriate, as inappropriate as
1340 sending my 12-year-old boy into the girls' showers to send Rosie into the boys' showers. These things are not simple but not being simple does not mean that we should not do everything we can to be right and to be fair, and I would like to say that I contacted Rosie's mum to make sure that Rosie would be more than happy to be mentioned in a *Hansard* record on equality, and she would.

1345 The last thing I wanted to read was a piece again on a general anti-discrimination basis, it is something that I read yesterday actually – a comment made by the comedian, Gina Yashere:

At 21, I was working as an engineer on Canary Wharf, as it was all being built.
I helped to build the lifts/elevators as the tower went up.
I worked on a building site with over 2000 dudes, & the only women on the site worked either in the nursing station or the kitchen.
I used to pull my hard hat over my face & use the men's rooms, as the only women's was a 15 minute hike across the site.
I was the 1st female elevator/lift engineer that Otis UK ever had in their 100 year history.
As the 1st woman engineer, more qualified than the men, & black to boot, I was never gonna be popular, & subsequently went thru the most horrendous baptism of fire.
The guys loved to tell misogynist & racist jokes while watching me sideways for a reaction.
I often came into work to find banana skins & pictures of monkeys pinned to my overalls.
I once had to threaten a work colleague, that if I heard him say he hated niggers one more time, I would send my 2 brothers to his house to give him real reason to hate.
These incidents were a daily occurrence for the entire 2 years I worked at that site.
But I stuck it out coz I was stubborn & wasn't going to let a bunch of frightened, ignorant assholes push me out.
I worked my ass off & received promotions in pay, but not in responsibility. 'The lads won't take orders from you' 'We can't let a woman work on her own, in case she has an accident, & can't get pregnant or sumfing'
The final straw was when I decided to take my bosses to a grievance hearing for discrimination, & my union that I'd been paying into for 4 years, refused to represent me. 'We don't understand all that women's stuff'
I went to that hearing alone & unrepresented, & was unsurprisingly overruled by this room full of suited white men.
Months later, they were laying people off, with 3 months pay.
They were never gonna let me go, as I looked so good on their diversity brochures.
I told them to give me that money & let me bounce, or I was going public with their bullshit.
They did.
And that's how I ended up a Comedian.
When interviewers ask me 'Is it hard being a black, female comedian?'
I laugh in their faces.

It is all very well to think it is only the big things that matter, the little jokes do not matter, the sideways comments do not matter, people will rise above them, people do. This woman carried on
1350 working in that environment for two years because she was determined that actually she was worth more, but lots of people do not. Lots of people cannot do that.

We were told over and over again by supporters, those who spoke against the assisted dying debate in the last meeting, that it is our job to protect the vulnerable. It is our job to protect the vulnerable, all the vulnerable, people who have disabilities, people who struggle with gender

1355 identity, people who for reasons of race are treated differently to others. It is our job to protect them and that is what this amendment seeks to do. It seeks to say we knew we had to do a piece of work to look at removing discrimination around disability and creating a better set of rights for people with disabilities, but actually we have opened our eyes, we have seen we have got a much bigger piece of work to do, let us do the bigger piece of work. How can we possibly say no?

1360 **The Deputy Bailiff:** Well, as the President of the Policy & Resources Committee has already spoken earlier in the debate, I invite the proposer of the amendment, Deputy Le Clerc, to reply to the debate on it.

Deputy Le Clerc.

1365 **Deputy Le Clerc:** Thank you, sir.

That is a bit of a hard act to follow. I will go through some of the questions that have been raised.

Deputy St Pier – I thank him and his Committee for their support. He talked about the long-term costs and effects and that will be part of our policy letter that will come back.

1370 However, I think the States must be reminded that in approving the Disability & Inclusion Strategy all those years ago there was an expectation and an acceptance that there were going to be some costs and some work that was going to be required. So I do not think this additional equality work is going to add substantially to those long-term costs and effects, and I think some of the work, the response that came out from the equality working group this week to the
1375 Economic Development Strategy highlighted the benefits that can be gained from many of the disabled in our community getting back into work and being provided with equal opportunities, so I think perhaps that does answer his question.

With regard to Deputy Leadbeater – the effects on delays that has come up, well Deputy Yerby has already gone through an answer for him. However, I would just like to expand on that
1380 somewhat. We are working very closely with the GDA, we are working with the equality working group and Deputy Yerby does have her meetings once a week, so we are very much on top of this and there is buy in from the people that are most interested and affected by this.

1385 But as Deputy Yerby has said, by using the model legislation we can cut back on some of the time that we would have taken to develop the disability and equality legislation from scratch, so we have some confidence in our timeline. As I say, because we are using two fantastic experts and we are not building this from scratch, we will build on the knowledge and the skills from our experts.

1390 With regard to timeline I think we have been very open in our timeline in saying that we anticipate that it could potentially add another six months. I am hopeful that this is the worst case scenario, but again we will be working with all the parties and if we do see that there will be some issues, and I would just like to point out some of the issues that may arise which are perhaps beyond our control, and these are issues that affect almost every committee in every piece of work that they undertake, that is unexpected legal issues, and we know there is pressure on our Law Officers, particularly with some of the Brexit work that may or may not be required. There
1395 may be some controversy or some complexities that we have not come across and that will come out in our consultation; and I think lastly is something that I have spoken on in the media about, and that is the loss of key staff. We know the way the Civil Service works that people have opportunities for career progression, and it is something that I will be bringing up when we talk about the main Policy & Resource Plan that people move on, and sometimes it is very difficult to
1400 replace that knowledge in what are tight timeframes. So those will be some of the things that would be beyond our control on the timeline, but I hope that allays some of Deputy Leadbeater's fears and Deputy Green's fears. We will be on top of it.

Deputy Graham – about gender identity – it has been in the media recently about some issues that have arisen, and it was interesting last week there was a big brouhaha on Hampstead Heath

1405 with some ladies invading, they have got a gents' pool in the Hampstead Heath, a ladies pool, and they have also got a mixed pool, and some of the ladies stormed the gent's pool to make an act.

I would just like to say this is in ... the UK have currently got gender law and they are undertaking some changes to that, the Gender Recognition Act and the Act says whether you are a man or a woman is merely a feeling, an inner essence which transcends biology. So any debate that we have on this area is going to be complex and contentious, but we will need to consult on what are difficult areas.

The current law in the UK is that transgender people need to evidence, in the form of a diagnosis of gender dysphoria as well as having two medical reports as recognition, that they have transitioned from male to female or *vice versa*, and in effect that was the gatekeeping system and the UK are now saying we will not have that gatekeeping system. So you can understand this is a very complex area and I understand some of the concerns that have been raised today, and this will be an area that we will consult on, and as Deputy Fallaize has already said that there is already some disagreement within the Committee and the view forward, so that is going to be an interesting Committee meeting to chair, but it is something that we will look at.

1420 Deputy Green, again, I think that Deputy Yerby has probably answered some of your questions. I think one of the key things for me is the equality and rights organisation and again irrespective of whether we approve this full equality legislation today or whether we just decide that we are going to stick with the disability legislation we will need to set up that equality and rights organisation and that needs to happen before any legislation is introduced, and that is a significant piece of work.

1425 Part of that work as well will be looking at consultation and evidence gathering, and I think Deputy Yerby has pointed out that actually although we do not get to hear all the time about discrimination, discrimination is continually taking place on our Island and we also know from some of the employment legislation work that we have on our mandate that we are often surprised at some of the issues that are arising around discrimination.

1430 Business impact – I think I have already said with Deputy St Pier.

Deputy Merrett – thank you for your support.

1435 Deputy Dudley-Owen – I hope I have addressed the question of slippage, we will have safeguards in place, and we will not be afraid to come and say actually it is going too long and we are going to change tack. I think we are a brave Committee and there would be no shame in coming back if we felt that. But we are very determined that this needs to be all encompassing legislation.

1440 Deputy de Sausmarez – with regard to paternity we have actually had several papers before the Committee over the last couple of months on improved parental rights, actually it has been quite difficult and some of the parental rights that have been granted in the UK are not working, and we have decided that if we can get approval today for the greater equality legislation that we will tie up some of that paternity rights and paternity benefits within this equality legislation. So again I ask you to approve that.

Deputy Fallaize, I think, is obviously supportive and has covered the gender identity.

1445 Deputy Le Tocq – I think again it was just about slippage and the need to educate. I will say this, that the education process needs to start now, it must not wait until we have legislation in in two years' time. We have still got a small part of the money that was given – well, transferred – with the Disability & Inclusion Strategy, we have been spending that very frugally and very wisely and that is a key part of that work that will progress in tandem over the next two years with the work that we need to do on the policy letter and the legislation.

1450 I have got Deputy Gollop and I have got a blank here, so you never know with Deputy Gollop, sir, which way he is going to go.

1455 Deputy Brehaut – I am sure the determined process in education will be picked up by Education because again this is all part of working together; and part of this Policy & Resource Plan is working across committees.

Deputy Yerby, Deputy Hansmann Rouxel, thank you for your support.

1460 Deputy Tooley – what I would say is that employers are paying in for maternity benefits and paternity benefits, they are paid in and collected through the Guernsey Insurance Fund, and because we have a no discrimination on the amount that is paid it is a set contribution rate paid into that fund, so any future benefits would continue to be paid out of that fund. We perhaps will look as part of this work at what Malta has done but I just wanted to say that there is a specific fund.

I think that is all, sir, in summing up. I would ask the Assembly to give their full support to this amendment, and make Guernsey proud in making this big leap forward.

1465 Thank you.

The Deputy Bailiff: Well Members of the States, we move to the voting on amendment 2 proposed by Deputy Le Clerc, seconded by Deputy Langlois which will have the effect of inserting an additional Proposition. There have been a couple of notes passed to me requesting a recorded vote so Greffier we will have a recorded vote please.

There was a recorded vote.

The Deputy Bailiff: Members of the States, that seems to have been passed unanimously, but I will declare the result formally when I receive the voting slip.

If we can move swiftly on to amendment 1, which is to be proposed by Deputy Soulsby.

Deputy Soulsby, if you want it read then please can you read it yourself.

Deputy Soulsby read the amendment.

Amendment 1:

To insert a new Proposition 1. r) as follows:

“r) that the review of processes used to consider whether new drugs or medical treatments should be funded, as set out in Resolution 14 of Art XII, Billet d’État No XXIV of 2017, should:

assess the guiding principles which should underpin resource allocation in health and social care take into account the need to ensure that limited resources are used fairly and equitably, maximising the value of care delivered to the population as a whole and the processes followed incorporate the experiences of other jurisdictions including the guidance produced by the National Institute of Health & Care Excellence

consider whether a Guernsey and Alderney resident being treated in a UK tertiary centre should have access to all the drugs and treatments normally available in that tertiary centre and to direct the Committee for Health & Social Care to report back to the Assembly by the end of the current political term.”

1475 **Deputy Soulsby:** Sir, as I stated, the purpose of this amendment is to provide more detail around the review that the Committee has already stated it would undertake as part of the Partnership of Purpose in relation to its drugs and treatments policy and to provide assurance that it would be undertaken in this political term.

1480 I would like to thank Deputies Roffey and Merrett for their interest in this area and can confirm that this amendment was submitted after consultation with both of them.

1485 Now there have been a lot of comments in the media from those with a special interest in this matter – some better informed than others – and I think I should take the opportunity now to correct some of the misinformation that has been put out there and give some context as to how we have got where we are today.

Firstly, the current policy has not just been brought in, as has been implied by some commentators. Whilst it has its origins in 2008, the reality is what we have today can be traced back far further. Although some have stated otherwise, NICE guidelines with respect to new drugs have never been automatically adopted in Guernsey either by HSC’s or ESS’s predecessors.

1490 Indeed, should Members wish to take a walk down memory lane they could read the 2003 policy
letter from the then Social Security Authority that set up what is now known as a White List i.e. its
own approved prescribed medicines, which makes no reference to NICE but does make it very
1495 clear that Guernsey should decide what drugs it approves and what it should not. It also refers to
the issues that this might cause with respect to patients being treated in tertiary centres where
they may be prescribed drugs that were not approved in Guernsey. To say that what we are
considering now is therefore something that has been brought in through the back door in recent
years is therefore far from the truth; it has been the case for over 15 years.

Let's look at what happened from 2008 there was a little issue of the financial crash, Zero-10
and FTP, all of which have in various ways resulted in the need for greater financial restraint. Also
1500 since then there has been the introduction of an end-of-life premium in the UK, where the quality
adjusted life year up to which those specific drugs will be approved was increased from £30,000 to
£50,000. It has also seen the introduction of a cancer drugs fund in 2010, and NHS England's
commissioned drugs for rare diseases. By the way, the latter two need to be considered in the
context of the UK's own economic strategy in terms of supporting its R&D industry.

1505 Now a recent King's Fund Review described the cancer drugs fund as a quick fix election
promise that wasted more than a billion pounds and left dying patients in agony. Just one in five
of the medicines offered by the scheme was capable of benefiting recipients, which they branded
a political failure across the board. Set up in 2010, the Fund was designed to pay for treatments
that had failed the standard NHS cost benefit criteria. It has now been reformed and sits under the
1510 responsibility of NICE, but it is too early to tell whether that has made a difference.

And it will be interesting to see whether the Isle of Man's commitment to adopt such drugs is
seen to have been sensible, particularly in light of the fact it is spending £700,000 on a 12-month
fundamental review of its health service as current funding levels are deemed unsustainable; with
the Department of Health & Social Care unable to remain within budget and offering voluntary
1515 redundancies and requesting an extra £20 million over the last 20 years.

Now in terms of rare diseases and what are called orphan drugs, the costs are eye watering
with figures approaching £300,000 per course of treatment. Now a rare disease is one that affects
around or under five people per million, so it might be thought this does not really have much of
an impact on Guernsey. However, whilst the disease may be rare it is not rare for people to have a
1520 rare disease. It has been estimated that anywhere between 6%-8% of the population might get a
rare disease some time in their life. So that is the UK.

What about Guernsey? The current policy G1033 is ethically based by setting down key
principles, decision rules, criteria and conditions which ensure the Committee for Health & Social
Care operates within an appropriate legal and ethical framework, and the reality is that for routine
1525 drugs they do generally follow NICE, although we do do more, such as approving Avastin for age-
related macular degeneration which NICE still does not do, despite the fact we have proved its
effectiveness and we know that there are those in the UK that do not understand why it does not.

Now in terms of Crown Dependencies we are told Jersey and the Isle of Man follow NICE but
neither do so by the letter. Indeed I received the following from Jersey's prescribing advisor
1530 recently and he quotes:

We do not automatically accept products on to the primary care list following publication of a NICE technical appraisal.
We wait until we receive an application and then use the TA as part of the supporting evidence.

Well, that is just like Guernsey. He goes on to say:

We have never formally considered the NICE criteria as a standalone issue, largely because of drugs that have high
costs/QALY or are affected by end of life premium are not requested for addition to the list.

1535 However, saying all that, as we seek to transform health and care to ensure we meet the key
principles of our Partnership of Purpose it is opportune for us to review the policy now. So we will
undertake a review and return to this Assembly with our recommendations, which Members are
free to accept, amend or reject, and this will feed into the relevance of the universal offer.

However, it is worth highlighting a few points now that would need to be considered when formulating our recommendations and which Members may wish to think about before we do come back with our policy letter.

1540 Firstly, should we effectively allow a third party organisation in another jurisdiction determine how we spend our money, and if we should, why should it be the UK? The NHS is in financial meltdown, partly as a result of the UK drugs and treatments policy which has resulted in both a postcode lottery and the cutting of services elsewhere, such as mental health and primary care. Now our current approach is very similar to that of Australia and New Zealand which does not have worse, and in many ways has better, outcomes than the UK.

1545 Secondly, we cannot ignore what is coming around the corner. The coming years are going to see a growth in the development of precision medicines, that is the customisation of health care with medical decisions, treatments, practises or products being tailored to the individual patient, we have seen that with Ocrevus for MS, which NICE have refused on the grounds of price and, despite what certain people say, there is no guarantee that they will do later this year. But this is revolutionary stuff, precision medicine is always going to need a change in how drugs are approved, whatever we do. Should we therefore just follow what one organisation does when, as
1550 a smaller body we could respond more nimbly to these changes, when we actually have a policy that is far more advanced than the UK already?

1555 Finally, it has been estimated that were we to adopt just NICE drugs automatically it could cost around £4 million and that excludes treatments that we do not routinely provide, such as sleep apnoea, so consider that £4 million as a minimum. It would also make budgeting harder as the size of our population would mean great fluctuation in costs year on year. This would mean in the current system that the Health Service Fund as well as HSC's general revenue budget would be put under pressure at a time when demand will rise as the population ages. The likelihood of
1560 cancer increases with age, for a start, and it should also be noted that whilst the drugs bill has been well managed over the last decade and certainly better than the NHS, with greater use of generic drugs, it is not as if the bill has gone down; 2008 the annual expenditure from the Health Service Fund was £14.9 million and it now stands at £18.1 million.

1565 Putting aside the fact that spending more money on drugs does not necessarily lead to better outcomes. Were we to adopt the UK's drugs and treatments policy, which would mean greater expenditure, the questions we need to ask are where should we cut health and care services elsewhere, or do we throw more money at it, and if the latter, where does it come from? You will get the drugs but are you happy to wait in A&E for over four hours, or wait months for mental health treatment as in the UK? The growing drugs bill in the UK is rising five times the rate of its
1570 budget increase and seriously impacted other services, which has had consequent impacts on outcomes.

HSC has shown how it can operate more efficiently without cutting services, but there is a limit, so expecting us to absorb the cost is a no-no. We will need more money. Now whether G1033 is too restrictive or not, it is designed to ensure that we do not go back to the old days when a well-orchestrated campaign meant certain drugs and treatments were adopted whilst other services
1575 suffered, and do not forget the big pharmaceutical companies do fund lobby groups and regularly provide information to the media on the latest wonder drug. It may not be apparent to people out there but it is certainly something I have noticed since I have been in this job.

1580 And that leads me to my final point. The Committee will come back with its findings and its recommendations, but at the end of the day this is all about how much more is the Assembly or the community willing to pay, and whatever it decides it will never be enough, there will always be more treatments that can be given, more equipment that can be bought, and more services that can be provided. Difficult decisions will always have to be made and that is why it is important that whatever is ultimately decided in terms of drugs and treatments, our policy is open and
1585 transparent and considers the needs of the population as a whole and not those who shout loudest.

1590 Just finally, there is a view which I have heard from some amongst us that how can we know
 any better than the learned bodies of the UK? Well, why can't we? Quite frankly, I think that does
 a complete disservice to both my Committee who are not exactly lacking in brain power, but our
 staff who have over the last two years demonstrated that they can turn a tanker round and do
 what the NHS has singularly failed to do. Why should we be following the UK when they should
 be taking a leaf out of our book? Whatever, we will review our policy and I can assure Members
 what we develop will be in the best interest of the people of the Bailiwick and we can show in
 health care just as we have done with our finance industry that far from being followers, we can
 1595 be leaders in the field.

The Deputy Bailiff: Deputy Tooley, do you formally second?

Deputy Tooley: Yes, sir, I second the amendment.

Amendment 2:

Carried – Pour 36, Contre 0, Ne vote pas 0, Absent 4

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

1600 **The Deputy Bailiff:** Well, Members of the States, before moving into debate on this
 amendment let me announce the result of the voting on amendment 2, which was proposed by
 Deputy Le Clerc, seconded by Deputy Langlois. There voted Pour 36, there were no voices against,
 there were 4 Members who were not present. Therefore the amendment was duly carried.

Deputy St Pier, do you wish to exercise your entitlement to speak at this point?

1605 **Deputy St Pier:** Yes please, sir.

Although not entirely convinced that this is the right place for this amendment, the Policy & Resources Committee absolutely understand why it has been brought, as explained by Deputy Soulsby in her speech introducing the amendment, and therefore we support the amendment.

1610 It expands on a current Resolution, and Policy & Resources welcomes the increased clarity on both timeframe for the review and the terms of reference that it brings.

The Committee's view is that this review will strengthen the approach of the Partnership of Purpose, one of the Policy & Resource Plan priorities, and the policy letter that was supported by the States' Assembly in December last year, sir.

1615 **The Deputy Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

1620 I too welcome this amendment, but I am not at all convinced that it goes far enough. My problem with it is both the timescale and the fact that absolutely nothing may change at the end of the process. In fact listening to the introduction from the President of Health & Social Care, I am beginning to become convinced that nothing will actually change in this respect at the end of it.

1625 I do accept obviously that this is a complex review, and the full review envisaged may take two years to complete. But two years, to put it starkly, is longer than the life expectancy of many people in this community who are impacted by this current wretched policy. So I really hope that some interim steps can be taken to address what I consider to be a completely scandalous situation.

1630 Now I do accept that it is a scandal which has been flying firmly under the radars for those not affected directly themselves or closely connected to somebody that has been affected. To be honest, I think the problem is that people with terminal conditions have been far too quiet. I take umbrage at the suggestion that the policy is needed to protect against us spending money on people who shout the loudest. The problem is when people have a terminal condition the last thing they actually normally want to do is go and actually canvass for political change and reform or policy change and reform, all their focus is on them and how they are going to transition from that diagnosis through the rest of their short lives. So I think one of the reasons that has gone on for so long is that the people impacted actually have been very quiet and very restrained.

1640 Guernsey people with very serious medical conditions are being denied treatments which anybody else in the British Isles would have access to. Actually that is not quite true, is it? Not quite true, because if they are rich enough then they have access to exactly the same drugs, and if they are well insured enough they may have access to some of those drugs, but ordinary Islanders are being denied treatments freely available to patients from the UK, the Isle of Man and Jersey. That is not something to be proud of.

1645 Guernsey patients lie in wards in tertiary centres such as Southampton where the consultant treating them is unable to prescribe the course of treatment they would recommend, they cannot treat them with the same drugs or procedures that they use to treat their other patients in that same ward with identical conditions because that treatment is not on Guernsey's uniquely restricted White List.

1650 Now Deputy Soulsby is quite right, the White List was introduced in 2003 – I think she said, that rings a bell, that is the right time. The policy though in the early years of that White List was always to accept the drugs that had made it through the NICE assessment, because NICE is extremely rigid in what they will allow through. They are way behind most of the other countries in agreeing what drugs to approve for funding for the NHS, they are certainly not an open-handed organisation, but what they do have is incredible expertise. Not just clinicians but health economists, people way beyond the expertise of the people that sit on our local clinical group looking at what to put on the White List. So the policy used to be that things that were NICE approved were put on the White List, plus some other extra drugs that were actually bid for by

local clinicians and were occasionally approved; and actually macular degeneration is a classic case that was actually mentioned this morning.

1660 Personally, I think that it is very sad that any patients receiving treatment here in Guernsey are denied drugs which could transform their lives, but when it comes to Guernsey patients at the tertiary centres the situation becomes truly absurd. The Isle of Man recognises this. Let me quote from the Manx official paper on cancer drugs issued by the Department of Health & Social Care there:

The Department of Health and Social Care (DHSC) WILL FUND cancer drugs for Isle of Man residents in line with the Cheshire and Merseyside chemotherapy protocols ...
DHSC WILL FUND new cancer drugs once these have been approved for routine use in the NHS in England by the National Institute of Health and Care Excellence ...

In the explanation they go on to say:

Note:

Isle of Man residents requiring specialist cancer treatment funded by DHSC receive this through hospitals within Cheshire and Merseyside. It is therefore appropriate for DHSC to fund in line with the protocols followed by these hospitals.

1665 Well of course it is. It is blindingly obvious that they should not have first and second class patients, lying in the same ward with access to different levels of drugs. How come if the Isle of Man can see such an obvious thing we apparently cannot? I accept Jersey's policy is slightly different but again it is not nearly as restrictive as Guernsey's.

1670 Nor are we just talking about cancer drugs. I have used that as an obvious example but I have come across similar situations affecting those with cardiac and pulmonary conditions, and we know that those with cystic fibrosis are generally concerned that in future they may be the next to lose out compared with patients in the UK. (**A Member:** Hear, hear.)

1675 Nor are we just talking about drugs other treatments are equally impacted. Just a few weeks ago Deputy Merrett and I met a young lady who was losing her sight. Her specialist, a locally based specialist, recommended a procedure called cornea cross linking, which had she lived in many areas of the UK would have been automatically available on the NHS. Likewise it is State funded in Jersey, in fact they have even brought state of the art equipment to help local surgeons carry it out as well as funding it. Sadly, it was not on Guernsey's White List so we would not pay for it.

1680

Deputy Soulsby: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Soulsby.

1685 **Deputy Soulsby:** Sir, it is not on our White List because no clinician had at that time made a request for it. That is the process in Jersey, obviously an application had been made there. That application has now happened and is currently going through our process and possible expectation that it might be approved later on in the next few months is going to happen, but it is not that it has been refused. No, it was not on the White List but that is because no application
1690 was made.

The Deputy Bailiff: Deputy Roffey to continue.

1695 **Deputy Roffey:** I am delighted to hear that. One of the problems is that lots of clinicians in Guernsey are reluctant to waste their precious time having known from previous decisions what the policy outcome is likely to be in order to put forward complex cases to put forward to the clinical committee. I am hoping – I am delighted that there might be a different outcome in this case. But the ironic thing is that at the moment it is not on the White List and yet if her eyesight

1700 had deteriorated further to the point that she needed cornea transplants that would have been covered. So what was the outcome? She is actually having the procedure. I am glad she is having the procedure that was recommend by her Guernsey consultant. It is being done privately in Jersey and the cost of that procedure is being met by the Guernsey Blind Association. If that is not a Government taking unfair advantage of the third sector then I would like to know what is.

1705 I think things have to change. Now I know the obvious question – it has been posed today – is where the heck is the money going to come from? (**A Member:** Hear, hear.) Yes, it is a real poser, but I do know one thing, we should never have been put in a position where funding these drugs and treatments will require a big dollop of new money, because denying Guernsey people access to treatments that everyone else in the British Isles can receive was never an appropriate way to cut those costs in the first place. (**Several Members:** Hear, hear.) So now we are having to play catch up and now is not ... where are the millions of pounds going to come from? We should never have been put in that position.

1710 Efficiency savings are one thing and hurrah for HSC when they find ways of doing things better and more cost effectively. I really appreciate they have done sterling work in this respect and I am certainly not trying to denigrate that. I also accept that limited resources might even necessitate some service reductions but denying Guernsey folk the medicines that everybody else can expect if and when they need them, I think is just a step too far.

1715 Sir, the UK is behind the mainland, and Guernsey is behind the UK; of course we need to balance the books but this is not the way to do it, and before finishing I would like to just make a few general comments about HSC's funding position as this is really the context for this debate and for this amendment.

1720 I do understand better than most that there will never be enough money for health care. HSC on a daily basis is not choosing between needs and wants, they are choosing between needs and needs, and even if the States put 75% to 80% of its income into health and social care it would not meet all of the community's legitimate requirements. So I am not really critical of HSC except in one respect.

1725 Over the last three or four years I think the narrative coming from the department has been misplaced. I do not know why, whether they are trying to score political brownie points or what, but the impression was given to the community that with the right transformational measures Health's spending could be contained at round about the current levels. Now I accept over the last year or so that has started to change to a far more realistic message. One which says if we can operate more efficiently then the inevitable increase in health and care costs can be mitigated. They will still rise, they will rise because of new treatments and ageing population, medical inflation, but they will rise more slowly than if HSC kept on doing the same old, same old.

1730 I think that message is right but the problem with the old one is that it led to quite unrealistic forecasts on future health spending within our medium term financial planning. I say unrealistic but of course we can spend as little on health as we choose to, if we are willing to bear the consequences, if we are willing to have a second class Health Service. Now that is something we most definitely do not have now, but do not take it for granted that we will always have a first class Health Service.

1735 I think that this wretched policy of denying patients treatments they would be able to access if they were English, Manx or Jersey, should be a warning sign that a second class Health Service could be the destination we are heading for unless we reappraise what we have been doing over the last few years and where we are going. Particularly with the strong suspicion in many quarters that the jargonistic health passport that Health & Social Care talks about is a sugar coated way of saying that in future fewer things are going to be free.

1740 Put simply I think we need to – and this is probably the one point in which Deputy Soulsby and I will agree to this morning – I think we need to invest more in future in health and social care, or we will lose something very precious. I think the need for this amendment should be a warning sign.

1750 Sir, a few weeks ago we talked about the need to invest more heavily in end-of-life care. Fine words, but here is the real test. With finite budgets, health care is always going to be rationed, I know that, but when carrying out that rationing the UK and other places put a higher acceptable price on treating patients with life threatening conditions than they do on treating other patients; so do most other communities. Guernsey currently does not. Now some may consider that policy
1755 entirely logical, why should there be a premium put on people that are facing the end-of-life as opposed to a 25-year-old with asthma or the need to access primary care. I consider it to be completely at odds with the successful Le Tocq/Soulsby amendment from a few weeks ago. I think we should guard against weasel words.

I accept there is a difference between palliative care, which is simply trying to make the end-of-life experience as comfortable and pain free as possible and other sorts of treatment for those
1760 with terminal conditions facing the end of their lives. But we are dancing on the head of a pin here, we are talking about how much priority we give to treating people in end-of-life situations. I think we could seem very hypocritical if three weeks on from all of those effusive words about how we are going to prioritise end-of-life situations, suddenly we have to say, 'Yes, but if we do
1765 that other priorities will go out of the window. We cannot do that, we have to ... no this is unrealistic. The UK have got it wrong they should not be giving extra resources to end-of-life situation, so are other communities.' I do not think they have got it wrong, I think they have got it right.

I think most people in our community ... and this is where I really want a debate in our
1770 community, that is what has not happened. This is a thing for other priorities. Yes, it is our job as elected representatives, but we have not really debated it as an Assembly and nor has the wider community been consulted. So I think that is what we need to find out. If I am told by the majority of people in Guernsey, 'Yes, actually do not prioritise people with terminal conditions. Do not actually put a higher per life year quality adjusted or whatever it is than you would do for anything
1775 else,' I will accept that. I doubt that will be the response, because I think we are a very different community than that, but if that is what they say then that is fine, but I think I am representing a majority view here in Guernsey.

So that is where I started. Yes, the full review may well take two years, but I really hope there
1780 can be some significant movement in the current policy much sooner than that. Some real signs of liberalisation. In fact if that has not started happening by the end of this year I will begin to sound out interests in bringing a requête on this subject. Two years is simply far too long for many desperate Islanders and their families. Sadly, many of them will be gone by then.

I think the first thing we should do is follow the Isle of Man by saying that Guernsey patients referred to tertiary hospitals in the UK should have access to the same treatments as the English
1785 patients – sorry, I know that is a film – the English patients lying alongside them.

Secondly, I think we should follow other places where you are producing an end-of-life premium when assessing what treatments to put on our White List.

So do we want to make a mockery of all our warm words of a few weeks ago about end-of-life
1790 care? I know this will be costly – I *know* this will be costly – and I know P&R will probably take a different stance as a result, and I know we have only just moved back into surplus and that is fragile and it had lots of one-offs, but these are savings that never should have been made in the first place. Denying Guernsey people the treatments that all other Britains enjoy is just plain wrong. It is to my view an absolute scandal.

So I will support this amendment and I will watch the progress but I put down notice now that
1795 further measures will be taken if I feel that liberalisation is not starting to happen.

A Member: Hear, hear.

The Deputy Bailiff: Deputy Merrett.

1800

Deputy Merrett: Thank you, sir.

Firstly, I wish to thank Deputy Soulsby and the Committee *for* Health & Social Care for submitting this amendment as seen before us today.

1805 I also have some very real concerns regarding the decision-making progress. Either we do need to review the process that is currently used to consider whether new drugs and treatments should be funded – by this, sir, I mean the procedure which drugs or medicines are being added to our White List, which is our equivalent really of NICE recommendations. Currently our White List, I am led to believe, consists of approximately only half – *half* – of the NICE recommendations. So my concerns are as follows.

1810 Is it a good use of our medical commission's time to have to apply for a drug or medicine because they believe it is the best possible course of action for their patient? How long does an application take? Are they put off applying because they fear raising false hope to the patient or fear it is simply a waste of their precious time? How many applications are rejected and why? Why are we so sceptical of adhering to NICE approved drugs as the Isle of Man does, and Jersey to a greater extent than the Bailiwick does? We are not discussing replicating their health care system, we are discussing drugs and medicines and which ones can apply to our Bailiwick. What is so different about our community? Why are their needs not met as they would be if they lived in the Isle of Man, Jersey or England?

1820 Is it a good use of resources to have panels that consist of some of our very experienced and highly paid medical practitioners to sit and deliberate and decide whether or not to give assent to the use of a drug or medicine? Is the Assembly aware of who the panel consists of? Page 42 of the existing policy which can be found by searching the gov.gg website under G1033 refers to membership of a Drug and Therapeutic Committee, International Procedures Committee, a Diagnostic Committee, a Public Health Committee, a Vaccines and Immunisation Committee, to name but a few.

1825 The Drugs and Therapeutic Committee is configured of The Chief Pharmacist who is an assistant director nominated by MSG; there is an anaesthetist, a physician and a surgeon, and someone who is care of the elderly physician; there is a representative of mental health services, being a consultant psychogeriatrician, psychiatrist; there are 14 nurses from acute, community, children and long-stay elderly; there is a midwife, a senior pharmacist who is in charge of medicines information, the pharmacy service manager from the PE, a prescribing adviser who is a clinical governance lead.

1830 One assumes and hopes they do not all have to try to convene at the same time. But if someone decides who should be at the relevant committee meeting, that is still an awful lot of people who will not be in front of a patient because they were preparing for and attending a meeting.

1840 Another example, sir, is the new and novel procedures, which is chaired by the Medical Director who also covers diagnostic procedures, made up of a panel of: the Medical Director, Chief Nursing Director of Clinical Governance, the MSG Clinical Governance Lead, Director of Acute Services, a senior operating officer, the Head of Governance of HSC, Chief Pharmacist and a Director of Finance.

1845 Sir, I am clearly not a medical expert as I cannot even pronounce some of the job titles. I do not claim to be but this appears to be an awful lot of people, in our jurisdiction being taken away from frontline services or from other parts of their important roles to sit on these various panels. Furthermore should we be asking what do they know that NICE does not know about drugs and medicines? Or is it simply we cannot afford the drugs and medicines that our community needs, that our medical physicians wish to prescribe.

What happens in definitions, sir? For example, the definition of a quality adjusted year and the price we put on that year – NICE defines it as follows:

A measure of the state of health of a person or group in which the benefits, in terms of length of life, are adjusted to reflect the quality of life. One QALY is equal to 1 year of life in perfect health.

QALYs are calculated by estimating the years of life remaining for a patient following a particular treatment or intervention and weighting each year with a quality-of-life score (on a 0 to 1 scale). It is often measured in terms of the person's ability to carry out the activities of daily life, and freedom from pain and mental disturbance.

1850 One year QALY is priced at £30,000 in the Bailiwick. It is arguable that one meeting of such distinguished members of our medical profession could be a considerable cost. Maybe not as much as £30K per meeting but still a considerable cost.

So good, and yes please, do review the process used to consider whether new drugs or treatments should be funded.

1855 So why am I slightly disappointed with this amendment, sir? Why have I decided to speak? It is because of the 'and' part of the amendment, and I will quote it to you, sir:

... and to direct the Committee for Health & Social Care to report back to the Assembly by the end of [this] current political term.

1860 Why, sir, as alluded to by Deputy Roffey some of our community, even those who qualify for £30,000 quality adjusted year, may not have two years. They will not have until 2020 but the medical condition if we followed NICE recommendations *might* be able to prescribe them the drugs or medicines they need immediately. No need for applications for something that is not on our White List, no need for a panel to sit to consider, to deliberate and debate the request. No added stress, sir, of waiting the outcome of a request.

1865 The commissioning intentions are published by Health & Social Care Committee under the requirements of the contract for secondary care and available three months before the year begins, being September. These identify key areas of focus for the Health & Social Care Committee to invest in, disinvest from, investigate or explore; 2019 are currently in development and consultation so it is happening now – the commissioning intentions are under review now for next year. It is important to note that the drugs or services that are prioritised throughout the year through the prioritisation process is conducted quarterly, the commissioning intentions sets the
1870 overarching strategic priority area this process is for detailed initiatives, so it is development, new posts, new drugs etc. which are selected on the basis of a fit with the commissioning intentions, the cost effectiveness, sustainability and so on.

1875 Request for funding or support are received from requesting technicians reviewed and examined by the committees or panels with a formal case and recommendation being made to the relevant committee requesting to or not to support it. What if it is not supported? Do we seriously expect members of our community to move to England, Jersey or Isle of Man to access drugs and medicines that they need?

1880 I believe strongly that this Assembly should be making a fully informed intelligence-based and conscious decision regarding our policy on the funding of drugs and medicines. The process is open and transparent and our community knows exactly what they can or cannot expect and, crucially, why.

For this reason and many others as previously alluded to, I will be supporting this amendment and strongly urge other Members to do the same.

Thank you, sir.

1885

The Deputy Bailiff: Well, the States will now stand adjourned until 2.30 p.m.

*The Assembly adjourned at 12.33 p.m.
and resumed its sitting at 2.30 p.m.*

**Policy & Resources Committee –
The Policy & Resource Plan (2017 Review and 2018 Update) –
Debate continued**

The Greffier: Policy & Resource Plan – continuation of debate on amendment 1.

The Deputy Bailiff: Deputy Inder.

1890

Deputy Inder: Sir, I am going to try and invoke 26(1).

The Deputy Bailiff: Very well. Will those Members who wish to speak stand in their places. Having seen that, do you still wish to invoke Rule 26(1)?

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Deputy Inder: I do, sir.

The Deputy Bailiff: Members of the States, this a guillotine motion proposed by Deputy Inder. Those in favour; those against.

Members voted Contre.

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The Deputy Bailiff: I will declare that lost then.
Deputy Lowe.

Deputy Lowe: Thank you, sir.

My speech is going to be brief so I will not keep you too long, Deputy Inder.

1905

To me this amendment is what the Policy & Resource Plan is all about. This is what the nitty gritty is all about. This is what the public expect us to be debating. They want a good Health Service. They want a good education service and they want to feel safe and secure.

1910

Joe Public wants to make sure that they can have the drugs exactly that Deputy Roffey was saying before. They are not prepared to wait two years, they want that now, and that is where our resources should be going. If we have not got any money we should not be doing nice or need-to-have, sea front, call it whatever we want, we should not be going out looking at other schemes as well, we should get health first, education second, and make sure the Island is safe and secure. Then we have whether we want something or the need for something, and that is what the priority for me of what the plan should be all about.

1915

Many years ago – and I would ask perhaps, through you, sir, Deputy Le Clerc if she would consider this, but many years ago – the prescribing officer, with the approval of Social Security at that time, carried out a 'dump campaign', and it was carried out by the chemists as well, making all these dump bins available. The drugs that were dumped were then analysed and the cost was astronomical of the waste of drugs in this Island that had been prescribed by doctors. Some had been stored in fridges and they were well out of date but they did not want to upset the doctor that they had not taken it. So drugs were in there, and what was key as well, where we had been working with the doctors at the time to get them to prescribe generic drugs, instead of brand names we saw many brand names still in the foils costing £45 a foil, for the generic being £3, and they were still being dispensed, and it was a huge amount of money.

1925

Following that campaign and again working with the doctors, it was the first time ever that we actually got the drug bill down from £14 million to £13 million. It was successful because they knew that we were working with them, we had asked them to start prescribing generic drugs instead of brand names, because the pharmaceuticals were very keen working with the doctors with good incentives at that time. I do not know if it still happens. So therefore we were saying we need to get this down, the name and shame about the doctors list of who was prescribing what

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was very clear and evident to the doctors that were participating and assisting Social Security at that time to get the generic drugs rather than the brand drugs in place.

1935 So I would urge Social Security to go down that route of doing it again because it did work, and it did have good effects, because we went out publicly and we showed the pile of drugs that we had actually got back in these bins, and with a generic one alongside a brand name and put the costings there –

I am happy to give way to Deputy Yerby.

Deputy Yerby: Thank you.

1940 I hope, sir, that it will give Deputy Lowe some comfort to know that the Prescribing Support Adviser is still very hands on in terms of her interactions with primary care GP's to make sure the prescribing is as efficient as possible and where there is a generic alternative to a more costly brand name that is promoted and so on. So the measures that she spoke of that may be started under her term have been continued and continue to be effective.

1945

Deputy Lowe: Thank you very much for that.

1950 Yes, I am fully aware and we have got an excellent prescribing officer who was shared. I do not know if they are still shared between what is now Employment, Social Security and Health who works very closely with the doctors. But nevertheless you still used to get one doctor or indeed a patient who said, 'I cannot have those, they are generic. I have got to have my brand,' even though the content of the tablet is exactly the same. It was a psychological thing and I think sometimes for ease of maybe getting somebody out of the way they would probably carry on with the brand – maybe so, maybe not.

1955 So all I am saying is, yes, I will be supporting this. I would not like to see that this is going to take that, like I would like to see that we revisit the White List and we start recognising as a Government we have a duty to look after the health of our community; and if it means we do not go ahead with some other schemes which are on the priority list across all the States' committees, well so be it, because health should be at the top of that list alongside education and keeping the Island safe and secure.

1960 Thank you, sir.

The Deputy Bailiff: Deputy Green.

Deputy Green: Sir, thank you very much.

1965 I will be relatively brief.

I will support this amendment and, like others, I do wonder whether this amendment actually goes far enough, because two years is a considerable period and for many people that will be too long a period.

1970 But I suspect, sir, quite sincerely that most Guernsey, and indeed Alderney, people expect the quality and quantity of treatment and drugs here that are no less favourable than that under the NICE standards in larger jurisdictions – notwithstanding the differences in fiscal approaches.

1975 Now Deputy Soulsby recently said to our Scrutiny panel hearing that people in the Islands here rightly have very high expectations about their health care, and that is absolutely true. This amendment talks about limited resources and that is entirely right. The second bullet point here is and I quote:

... take into account the need to ensure that limited resources are used fairly and equitably, maximising the value of care delivered to the population as a whole and the processes followed ...

Sir – and this builds upon what Deputy Roffey said this morning when he spoke and I think it was a very good speech actually – I agree with pretty much everything he said. I think, sir, we are rapidly getting to the time where we need to have a full grown up debate about how we are going to fund health care, and especially about how we are going to fund new treatments, new

1980 medical treatments, new drugs that are coming on the market against that backdrop of stretched resources and very high expectations. Reconciling all of these things at the moment is frankly very difficult, but I think in a way we need to have that debate and have all of the options out on the table to find a way through and to reconcile this rather better than what we are doing at the moment.

1985 I personally think that we do need to push the fiscal envelope at least a bit. We have heard today that there will never be enough resources for health and social care, and that has to be acknowledged, but I think we do need to have some difficult decisions to increase the potential resources available for health and social care moving forward, because I think, as Deputy Roffey said, he made this point very well, there is a big moral issue here, which is that ordinary people in our Island, and potentially Alderney as well, who have these very severe conditions are at present in effect being denied treatments which elsewhere in the British Isles they would have access to, and that is wrong. It may well have big implications for our fiscal framework and for our tax system, but it is not right and we do need to at least have that discussion and have the options on the table so we can try to sort this out.

1995 So, I hope, sir, just to conclude, that in undertaking this review we may yet discover the strength and clarity of purpose to aspire to a higher standard by giving proper consideration to a greater level of compliance with the NICE guidelines than what we have had hitherto.

So I will certainly be supporting this amendment; it is much needed. But, like others, I do have some reservations about the time period in question because two years is quite a long time.

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The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Like Deputy Green and others, I welcome the amendment and will support it.

2005 I take Deputy Roffey's point, I think, that in laying the amendment, sincere though it clearly is from the Committee, I think Deputy Soulsby did rather give the impression that it was unlikely that her Committee would recommend to the States following NICE guidelines in ways which we do not at the present time, but I accept that they will carry out their review diligently and will report back to the States at some point before the end of this term.

2010 Deputy Roffey – I missed the last couple of minutes of his speech but he made a good speech. *(Laughter)* I assume the last two minutes were as reasonable as the earlier phases of it. He put his argument quite passionately. It was interesting and it was persuasive, but it was also quite incomplete, and the reason I say that is because he painted a picture – it is not because I did not listen to the end, no – it is because he painted a picture *(Interjection)* of a Guernsey resident in a hospital elsewhere next to a person from another jurisdiction with the same condition and not necessarily able to obtain the same drugs and he ... if he did not say it in as many words what he meant was the Guernsey resident should have access to the same drugs as the Jersey resident or the Isle of Man resident or the English resident.

2020 The question is does the Guernsey resident want to pay the same level of tax as the others from other jurisdictions in the other hospital beds. Because the patient from Jersey will pay 5% GST on almost all goods and services; the patient from the Isle of Man will pay 20% VAT on almost all goods and services; the patient from England, as well as paying VAT if they earn the equivalent of the top third of earners in Guernsey, will pay 45p in the pound Income Tax. That really is the question.

2025 It is impossible to disagree with Deputy Roffey's view and the view that Deputy Lowe has put about us on behalf of the residents of Guernsey and Alderney wanting them to have access, as a community to have access, to the highest possible standard and range of drugs, and of course we do not want our residents to be disadvantaged in any way in relation to those of other jurisdictions, but we have to pay for it somehow. We do not collect as much tax revenue *per capita* as these other jurisdictions whose health services we are holding out as, in this respect at least, superior to ours.

2030

Deputy Green said – I think I wrote the quote down exactly – the people of Guernsey and Alderney expect a standard and quality of drugs available to them to be no less than under NICE. But they are not paying as much tax as they would be in England. So Deputy Green said we have got to try and address this; we have got to reconcile it; we have got to look at the options. But with the greatest respect to Deputy Green, people have been saying that in the States, for 10 years, there have been opportunities to raise more revenue, we had a Policy & Resource Plan debate this time last year where there were a series of amendments laid – I think Deputy Ferbrache was involved in one, possibly Deputy Yerby, Deputy Roffey himself I think, laying amendments – to try to generate additional revenue and all of them lost. I cannot remember how Deputy Green voted, he is going to tell me –

Deputy Green: No, I wasn't going to.

I thank Deputy Fallaize for giving way.

No, I was not going to address that, sir, but I was going to ask Deputy Fallaize whether perhaps a slightly more nuanced conversation needs to take place, not about raising revenue generally in terms of paying for better services across the board, but whether a debate about whether some form of hypothecated health tax might actually be a good idea to raise revenue for a specific purpose health and social care.

Deputy Fallaize: That is a good point and it would still require the raising of taxes of course generally whatever they are called. I personally think it would be quite a good idea to transfer all funding of health on to tax based on income rather than trying to part fund it through social insurance contributions but based on earnings. So yes I agree with the point that Deputy Green has made, *but* it still would require an increase in taxation generally. The point is if we want to improve our Health Service in a material way and if we want to deliver the kind of services which are delivered in jurisdictions which collect more revenue we are probably going to have to increase taxation.

I take Deputy Lowe's point about prioritising expenditure, *but* if you look at how much of public expenditure or revenue is consumed by health and social care, and pensions, and education and the law enforcement and the sort of safety and security aspect of Home Affairs, that accounts for the vast majority of all public expenditure, there is not very much left. In fact as a proportion of total expenditure, we are spending more on those types of service than most other jurisdictions are. That is partly because we do not have things like defence and we do not spend as much on international aid, but even taking those things out of the equation we are still spending proportionately more on the essential – the most essential – services like health care, education, law and order and pensions. So the only conclusion can be if we want to improve our Health Service substantially, yes there is room for some reprioritisation, there is some room for some efficiency savings, but ultimately there will need to be an increase in States' revenue, and the only way that can happen is by raising taxation.

So that really is the debate, and I think it is slightly unfair to criticise the Committee *for* Health & Social Care because although ... Deputy Soulsby is very corporate in this respect I think, because often, when there are criticisms levelled at what HSC is doing or is not doing, Deputy Soulsby tries to deflect it – this is not a criticism by the way, but she tries to deflect it – in sort of process terms and talks about reprioritisation and efficiency savings; and I do think that is very corporate, and I think that she has done it again today and it is reflected to some extent in this amendment. But the bottom line is – if I was Deputy Soulsby I would say, 'Yes, sure we can adopt all the NICE guidelines and we will provide some drugs above NICE guidelines because, as Deputy Roffey said, we have always done that in the past, and we will have a significant increase in our budget, because that is basically the position.

If the States want to see an enhancement in the range and quality of drugs available to the people of Guernsey and Alderney we will need to raise more revenue. That is the debate we should have. It does not require a whole range of options, perhaps in the way Deputy Green was

2085 implying, it simply requires a political choice to be made, and it is a choice that could be made by the States at any time and could have been during the Policy & Resource Plan debate last year.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

2090 I almost think I wish I had made that speech, having heard Deputy Fallaize's, because it would probably be better than mine, but I sat through Deputy Green's Scrutiny hearing with Deputy Soulsby on behalf of Health & Social Care, and time and again I think the Scrutiny Management Committee, including Deputy Merrett who is on the panel, were wanting to get from Deputy Soulsby a commitment to improve and enhance the health care of the Island, whether it be perhaps on the other set issue that has been worrying much of the population, the cost and effectiveness of the GP organisation within the Island, or these drugs questions; and Deputy Soulsby neatly sidestepped it by pointing out eventually not only the work on the Partnership of Purpose, and the care passport, and the transformation programme that her team are effectively doing, and also the improving and developing relationship between her Committee and Employment & Social Security, but also she made exactly the point Deputy Fallaize has just made, sir, that effectively it is all about how much taxation the Island wishes to raise.

2100 I think that is the elephant in the room. In a way – well, we know Deputy Inder wanted this debate to be curtailed already and probably other people do – well, we know other people do (*Interjection*) because they supported Deputy Inder. But I tell you who we have not heard from in this debate, and who I think would be the best speakers to hear from, I have to say, all five Members of Policy & Resources. (*Interjection*) Because they are the critical people, because if they supported the thrust of the amendment, especially the thrust of Deputy Roffey's speech they would be implying that we need to find additional money to support what I think too is the general need of the population and if they did not then they would be –

2110 I will give way.

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: I thank Deputy Gollop for giving way.

2115 I just feel that the content of this debate is not about the actual outcome of the review, it is about whether we do the review and therefore why should anyone give comment on that outcome.

2120 **Deputy Gollop:** Well, the comment on the outcome is implied because if any review comes back to the Chamber saying that actually Guernsey wants to emulate NICE with all its pros and its cons, let alone go further, and we have heard about the postcode lottery which applies – some areas are more generous than others, and some countries may be more generous than others – then we will have a funding question to consider.

2125 In fact one point Deputy Fallaize kind of made, but I think we need to develop further, is most of the pharmaceutical budget in the States – if I am right and I should be, having done six years on Social Security – comes through Social Security through the Health Fund which is charged as a Social Security insurance mechanism.

2130 Now I could – maybe I will – oppose the thrust of the Committee and bring my own report in the autumn saying we should raise rates because I think there is an argument to raise rates because if people want money to be spent on health care in 2018 or 2019 they have to consider that as an option. It would not be popular in the business community, it would not be popular with many other people but there are choices to be made here, and one cannot go on blaming people implicitly.

2135 I mean as a matter of fact it is true that Deputy Soulsby's period of office as President and formerly Deputy Minister there has been a focus on improving efficiency – not surprisingly given

her background and her team's background – but I recall that for many years after 2008 Deputy Roffey did very well with the funding of the service and the capital funding, but even palliative care was not moved forward as it could have been in the period, but in the period between 2008 perhaps and 2015-ish when we went through several health boards including one led by Deputy Dorey sitting to my front, the States were putting their heads in the sand, they were not listening to the reality which, to be fair, Deputy Roffey in his columns was pointing forward that there was a need to increase health expenditure and in that era of FTP we were talking about cutting back.

So I very much support this amendment. Yes it focusses on the processes, but we really do need to consider whether Guernsey and Alderney residents being treated in a UK tertiary centre should have access to all the drugs and treatments normally available in that centre, and we need to incorporate the other experiences of other jurisdictions.

But I would also point out that I do not think it is politically or morally acceptable for people in Guernsey to find themselves – especially the more vulnerable members of our society – with a less good offer than in the United Kingdom. But the corollary of that is we need to find a sustainable and robust revenue stream, and as Deputy Fallaize pointed out, the Isle of Man for example has this whopping 20% VAT. They are aligned, we were told, to the Cheshire and Merseyside Health Trust and I actually used my two-hour lunch hour a little bit profitably in one respect in that I looked up the Cheshire and Merseyside Health Trust and see it covered an area of two million people including all of Cheshire, the Wirral, Warrington and Merseyside, and the gist of that is in the UK Parliament it would have an assembly of its MPs, of 26 members of whom intriguingly five would be Conservative, none Liberal Democrat, and 21 Labour. I choose that because I suspect that it is not how a general election on party lines would go in Guernsey anytime soon and probably most Members would say just as well. But the point I am making is it is a different political and social context and we have to understand the issues out there and know that some of our decisions in the past where Members have spoken strongly of the inequitability of regressive taxes and how we must keep taxes of consumption to its lowest possible level and all kinds of things. Even today *The Guernsey Press* has a headline that says if Policy & Resources really have all this spare money they should be giving it away in personal allowances. Well perhaps there is a choice between that form of generosity and supporting essential public services (**A Member**: Hear, hear.)

I am not going to say anything more but I think it is not entirely fair to blame Health & Social Care who are working wonderfully and progressively in trying – in fact they are suggesting we must look at this as a priority, and this is not really a new amendment it is just a reinforcement of a partnership of care amendment anyway, so I think we should get on with the debate and support the team to work as quickly as possible on solutions.

The Deputy Bailiff: Deputy Dorey, then Deputy Paint.

Deputy Dorey: Thank you, Mr Bailiff.

I will support this amendment.

Members have talked about the level of taxes but whatever levels of taxes there are you have to limit expenditure on health, you just continue to spend more and more because there is always a demand. The current policies were ... a lot of work was done on them in 2013 when I was Minister at HSSD we had health economists, we had representatives of UK, people who work in the UK Health Service we did a lot of work on it and the result was along the lines of the current policy it has been upgraded since then but they were not just decided upon without doing an extensive amount of work. We have to prioritise expenditure. Just because NICE says a drug is approved it does not mean it is right for Guernsey. We have to prioritise in Guernsey, we do not want all the waiting lists, the waiting times that the UK have just because they have NICE drugs. There is a balance and it is getting the balance right and that is what the most important thing is. There has to be a limit to expenditure and you have to balance that expenditure.

I will support this but I hope that we do not just follow the UK just because the UK approve a drug, because we need to be cleverer than that.

Thank you.

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The Deputy Bailiff: Deputy Paint.

Deputy Paint: Sir, I was not going to say anything in this debate at all, but I felt that Deputy Fallaize's speech would have to bring me to my feet.

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How can we pay for the extra money? I am really supportive of Deputy Heidi's way of thinking. She is trying very hard to fill a pint pot with a quart. The extra money to help her could come from this Government not spending on things that are not necessary. (**A Member:** Hear, hear.) There are many things. This is basically a priority debate and I know many things that money should not be wasted on, but more of that later.

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People in this Island must come first.

Thank you, sir.

The Deputy Bailiff: Deputy Yerby.

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Deputy Yerby: Sir, I wanted to speak briefly on injustices in health and care and Deputy Dorey's speech has framed mine nicely in that respect. Because of course what we are being asked through this amendment is: is it just that there are restrictions on which drugs and interventions we are able to provide within the resources that we have; but is it just that people may be unable to access primary care because there is a cost on that; and is it just that people who will rely on them throughout their life for their quality of life for their basic mobility will have to pay for their own wheelchairs and walking aids? In all of those cases you may argue that it is not just and I would be wholly sympathetic, but the position that we have to get to is balancing a limited resource over an infinite number of choices, and as long as resources are limited while choices are infinite there will always be these kind of injustices.

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What we need to have most importantly for our own consciences and for our interactions with the community is a defensible rationale, and I think Deputy Soulsby's opening speech has been criticised, I think, a little unfairly, (**A Member:** Hear, hear.) because actually the Committee would not be maintaining the position that it currently does if it thought it was indefensible. Now, that does not mean that it cannot be better and there are lots and lots of things that this Committee for Health & Social Care has said, particularly through our Partnership of Purpose policy letter, we need to improve and those include primary care, those include the way that we fund drugs and treatments, they include the support we provide for aids and adaptations. We need to make sure that the way we provide all of those is as fair as possible, that our rationale for doing so is as defensible as possible.

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So as has already been acknowledged, this review was something that we had already committed to do between the two Committees, Health & Social Care and Employment & Social Security. We are already bringing together the two Committees that we have for evaluating drugs and treatments and that is the perfect gateway into making sure that we are doing it as well as possible.

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But of course it is not just us who are coming face to face with members of the public who are saying, 'Why am I not getting this service?' or, 'Why am I unable to afford this service?' and it is abundantly clear that all of us, as States' Members, need to be able to explain in understandable terms what our policy on this is and why we think it is appropriate.

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So I am very comfortable that rather than the review being carried out at committee level or even cross-committee level, it is a review that comes back to this States for approval. I think that is entirely fitting. But in terms of the timescale, two years will be as nothing compared to the complexity of the question that we are looking at, and in that time we will also be making progress on matters such as fairer access to primary care, and again: who can judge the trade-off

2240 there; who can say which is more important in terms of the impact that it will have on peoples' lives? Those are the questions that we face every day in Health & Social Care. As half of this Assembly have been involved in Health & Social Care at different times in their political careers, they will know they are impossible questions, but it is right that we confront them and I will be supporting this review.

2245 **The Deputy Bailiff:** Once again, as the President of the Policy & Resources Committee has already spoken, I turn to the proposer of the amendment, Deputy Soulsby, to reply to the debate.
Deputy Soulsby.

2250 **Deputy Soulsby:** Sir, I thank everybody for the comments they have made. I think I responded to many of Deputy Roffey's comments in my opening speech, but just to say again, not everyone in the UK does have access to the drugs that NICE approve; there is a real postcode lottery and the fact that what they have in the UK also impacts on other services. Although I do appreciate in theory that they might have access to more drugs.

2255 Now Deputy Roffey says two years is a long time to wait. I understand that, but we do not actually say we will report at the 30th June, we actually say we will do it by the end of this political term.

2260 Now we set our priorities for 2018 and we are on course for achieving and getting through those priorities in 2018, and we will be planning through this review next year to at least start that review. But we are going to do it properly but we are not just going to leave it to the end of the political term. What we need to do is make sure we do it properly and there are other people, as Deputy Yerby very well said, there are people who are currently struggling thinking should they go to their GP because they are not quite sure they can afford it, we will be looking at how we can improve fairer access to primary care at the same time. So do we give one group of people preferential treatment over another? We have got to work in the round to make sure that we do things in a co-ordinated fashion.

2265 Now if I had a magic wand I would do it tomorrow, I would, but we need to ensure that we can prioritise appropriately. Trying to do everything at once is a recipe for failure. We have, as Scrutiny Management Committee have said in their comment after our hearing, shown considerable progress in transformation and we have done so by proper prioritisation.

2270 Deputy Merrett speaks of the White List only comprising half NICE-approved drugs, but I think you have got to be very careful in that comment because as we have already spoken about our prescribed adviser, our adviser on prescriptions and really takes control of that list and makes sure that old drugs are taken off and we have generic drugs on there as much as possible. So I think we need to be very careful when we compare, we are not exactly comparing like with like.

2275 As I said in my speech, we are actually not very different from Jersey. I think what will be useful is part of this review that we have been doing elsewhere actually in Health and Social Care is to see how we could work even closer with Jersey, perhaps have one panel and an advisory committee. Who knows as yet, we do not know who has got the better system if they are that different, and I am looking forward to meeting my soon-to-be-appointed opposite number in two weeks and to discuss whether we could work together on this and other things. I think we have to remember with all these things it is about progress, thinking about the Partnership of Purpose.

2280 Deputy Gollop questions the current policy but it is his Committee, the ESS, that is making most of these decisions, not HSC.

2285 As to a requête, well it might get media attention but what would it achieve? It will not make a review happen any quicker (*Interjection*) and as I say we are already saying we will be doing this by the end of the political term, not the very end of the political term, and it actually does tie in with the Le Tocq/Soulsby amendment that Deputy Roffey referenced, because HSC in that amendment, which then became the main Resolution, is to report back on end-of-life care by the end of this political term. So it is very similar.

2290 The Committee *for* Health & Social Care is committed to review its drugs and treatments
policy. We will undertake a full review and make recommendations in accordance with the key
principles of the Partnership of Purpose and that will of course include fairer access to care and
also prevention and early intervention, and I do actually refute Deputy Roffey and Fallaize
implying that through my opening speech I am saying we are not going to make any changes.
2295 That is not what I was doing, what I was actually doing was showing you the actual realities of the
situation as it is and busting the myths that have been put out there over the last few weeks.
Because it is not easy, it is not as straightforward as some might think it is. We are also taking in
to fact that the world of health and care is a fast moving one, and ensure that whatever
recommendations –

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Deputy Lowe: Thank you very much, Deputy Soulsby.

I just wanted to help you out to a certain extent here because – and I am sure it still happens
but on occasions the doctors have made special requests, haven't they, for a particular drug that is
not on the NICE list to be considered, if there is a benefit and we are able to add it on to the list.
2305 So it is not a case that that White List is there and it is never looked at and it will be part of that
review. It is very much a moving list and I think if a case is made that has happened in the past
and I am sure it probably still continues.

Deputy Soulsby: I thank Deputy Lowe for standing up there, because she is absolutely right.
2310 Members might not know this, though I am sure they do look at every piece of ordinance
legislation that comes through on our Billets every month, but virtually every month there is
something to do call the Health Benefit Drugs and Treatments (*Interjection*) whatever ... which is
something that is approved through Employment & Social Security; it happens all the time so that
White List is not set in aspic, it is actually live, it changes all the time.

2315 As I say that sits with Employment & Social Security not Health & Social Care. I know that it is
assumed that it is Health & Social Care because it is all about health and social care but actually
that is where the responsibility currently lies, but we are looking at whether we can change all
that. That is for another debate.

2320 So finishing now, you will be glad to hear. At this stage I cannot say whether or not a
recommendation will be made to expand the scope of drugs that can be prescribed. What I can
say is we will ensure that our policy letter makes it clear the implications of the recommendations
we make in order that this Assembly can make an evidence-based decision on the facts in front of
them.

2325 Indeed actually from what I have heard today, I think it may even make sense to provide
various options to this Assembly so it can decide. As a Committee we are mandated to keep
within our budget. It is after all the job of this Assembly to determine how big that budget should
be.

2330 But I do have to say again whatever our budget is, it will never be enough and whether or not
we do decide to spend more than £4 million on drugs and treatments we will need more money
anyway; and the question is how much are we all willing to pay?

The Deputy Bailiff: Members of the States, we move now to vote on amendment 1, proposed
by Deputy Soulsby, seconded by Deputy Tooley, which will have the effect, if approved, of
inserting a further subparagraph also numbered (r) at the moment into Proposition 1. Those in
2335 favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare the amendment duly carried.

The next document to which you potentially need to turn, Members of the States, is headed amendment 6. Deputy Meerveld, do you wish to move a motion under Article 7(1) of the Reform (Guernsey) Law 1948?

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Deputy Meerveld: Yes, sir.

The Deputy Bailiff: Does that need to be in a slightly different form than the printed version?

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Deputy Meerveld: Yes, sir, I wish to apologise, there was an omission in the request to suspend the Rules under Rule 24(2)(b) which should have included the words 'and (e)'.

The Deputy Bailiff: Do you wish to say anything on the motion?

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Deputy Meerveld: Sorry, sir?

The Deputy Bailiff: Do you wish to say anything about the motion?

Deputy Meerveld: You mean my statement now, sir?

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The Deputy Bailiff: No, just the motion.

Deputy Meerveld: No.

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The Deputy Bailiff: Deputy Ferbrache, do you formally second the motion, to suspend those paragraphs of Rule 24(2)?

Deputy Ferbrache: I do, sir.

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The Deputy Bailiff: Any debate on the motion?
Deputy Roffey.

Deputy Roffey: Sir, it does worry me, not just in the context of this amendment but just the propensity of this Assembly to suspend its own Rules at the drop of a hat on a regular basis. (**A Member:** Hear, hear.)

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I do think that there needs to be a provision in the Rules to suspend the Rules because sometimes *force majeure* means that we would not be able to do what is patently obvious, but from right at the beginning of this term with the Development Plan that we debated where any number of amendments asked for the Rules to be suspended and throughout. I just think this is strange behaviour. I do not think most parliaments around the world come anywhere close to what we do in suspending the Rules on a regular basis.

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Now we will have a chance to debate the Rules later in this term, later this year, and maybe if Members do not want Rules because they have to keep suspending them then maybe we just manage without Rules, I do not know. I don't suppose we really could; we have to have something to work on, but (*Interjections*) if we are going to have Rules I think it should be a real rarity when they are suspended.

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So I think we have to ask why was this particular Rule that is being asked to be suspended, which is the time notice for an amendment laid to the policy plan, put in place? I assume it was because there may be ramifications for the various committees whose plans have been amended that they would need time to reflect on and to think about so that we can all make a sensible decision. So I suppose my question to the Assembly is I fully understand why Deputy Meerveld may have concerns about development in the north of the Island and the infrastructure implications, but I find it really hard to understand why he did not have those concerns a couple

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2390 of weeks ago when he could have, under the Rules, put forward an amendment which did not require the Rules to be suspended.

Sir, my default position is – I am going to give way as much as he did to me in the assisted dying debate a few weeks ago! – (*Laughter*) my default position is not to suspend the Rules for any amendment unless there is a real overwhelming reason for doing so, because I do not think it is a safe procedure.

2395 **The Deputy Bailiff:** Deputy Meerveld, you will get your opportunity to reply to the debate on your motion.

Deputy Dorey.

2400 **Deputy Dorey:** Thank you, Mr Bailiff.

I agree with everything that Deputy Roffey has said, but isn't there also another Rule engaged which is Rule 4(3)?

The Deputy Bailiff: Mr Comptroller.

2405 **The Comptroller:** Sir? (*Laughter and interjections*)

The Deputy Bailiff: Do you have any advice to the Assembly as to whether or not moving the amendment that this motion to suspend the Rules relates to will also engage Rule 4(3).

2410 **The Comptroller:** Rule 4(3), I think, is the Rule that requires some explanation to be given as to any expenditure that may be incurred.

The Deputy Bailiff: It does.

2415 **The Comptroller:** I suspect it may engage in relation to this Proposition, in which case it would need to be suspended, I think, sir.

Perhaps this is a matter that the proposer might wish to make a comment about because it seems to me if the Rule engages then it ought to be suspended for the purposes of putting the Proposition.

2420 **The Deputy Bailiff:** I fully understand that, thank you, Mr Comptroller. Does anyone else want to speak on the motion before I turn back to Deputy Meerveld?

2425 As you are seconder of the motion, Deputy Ferbrache, can I at least invite Deputy Meerveld whether he wants to modify the motion so that it also refers to Rule 4(3) first?

Deputy Meerveld: Yes, sir, I would like to modify the amendment to also suspend Rule 4(3).

2430 **Deputy Ferbrache:** I second that ... [*Inaudible*]

The Deputy Bailiff: I am not sure you need to at the moment but we note, Deputy Ferbrache, that you are seconding the modified motion.

2435 Deputy Roffey, I doubt that there is anything further you need to say in relation to that, so what we will do, Members of the States, is we will treat the motion as to suspend Rule 4(3) and Rule 24(2)(b) and (e) of the Rules to the extent necessary, and thank Deputy Dorey for pointing that out.

Deputy Ferbrache, do you want to speak on that modified motion?

2440 **Deputy Ferbrache:** Yes. I am very grateful for all the Rules in connection with everything. But clearly, as Deputy Lowe said just after 2.30 p.m. this afternoon, we are now dealing with the

2445 substance of what a Policy & Resources debate should be, and if we are saying because you did
not do things in the requisite time and because you have got things wrong procedurally, which
mea culpa we did, then you should be penalised, if that is what the States vote for and this
important topic cannot be debated well so be it, but it is a very unfortunate, so be it; because
2450 without talking to the substance of the amendment it is a matter of considerable interest to the
public at large in Guernsey (**A Member:** Hear, hear.) and particularly to the north of the Island and
those – I have not quite been here since Abraham, as Deputy Dorey's family have been, I am a bit
younger than that but not much, but my family have been here for hundreds and hundreds of
years and I do not think we have had any difficulty defining the north of the Island as being the
Vale and St Sampson's, so if anybody has got any difficulty with that ... That is what this means
and we are talking about the infrastructure issues which are considerable and important. If the
States decides because the Rules have not been followed, that this cannot be debated it is a very
sorry day.

2455 **The Deputy Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

I would just like to read out what Rule 4(3) says as it is rather short:

Every proposition laid before the States which has financial implications to the States shall include or have appended to it in a policy letter or requête or otherwise an estimate of the financial implications to the States of carrying the proposal into effect;

Provided that:

the proposer(s) of such a proposition may request from any Committee any information required to enable such an estimate to be included or appended and the Committee shall thereupon provide complete and accurate information to enable the proposer(s) to set out the estimate.

2460 That Rule is there for one very good reason; in my belief this is the cost of it – the cost we have
just debated in respect of the review of drugs, the cost to the States, the priorities of the Plan. Yes
it does go to the heart of the plan. But how can we possibly judge whether or not this particular
Proposition has any real impact on the rest of our work, or indeed how massive an impact it could
have on the rest of our work without having that correct procedure followed in order to be able to
be fully informed. From that perspective, and that perspective alone on the resource point, I
2465 cannot agree to suspend the Rules.

The Deputy Bailiff: Deputy Lowe.

2470 **Deputy Lowe:** Just following on from Deputy Tindall, who says under Rule 4-whatever-
number, you have to have the costings on here, I have not seen her on any others stand up on
any of the previous amendments where we are actually asking them and directing them to go out
and do a review, which is very similar to what is being asked in this amendment. So let's be
consistent with all these amendments because nobody has asked for that on previous
amendments so it had been approved.

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The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2480 I always think it is a bit depressing at this stage when we are debating suspending the Rules
because those Members who like the amendment itself argue that the Rules should be suspended
because they want to vote for it and those Members who do not like the amendment argue the
Rules should not be suspended because they do not want to vote for the amendment.

Well, I do not really share Deputy Roffey's view about suspending the Rules. I think it is
sometimes advantageous to suspend the Rules. The reason that this parliament does it more than

2485 others is because this parliament is an executive as well as a debating Chamber. So I do not have any great problem with the proposal to suspend the Rules.

I do think the amendment is crackers (*Laughter*) and I will vote against it, but I think some of the arguments put against suspending the Rules are the whole thing ... have not been very well thought through. In fact twice Deputy Meerveld has had to get up to add new Rules into the motion to suspend, that is how well thought through the whole thing is. So it has not been terribly well thought through, and if that bit has not been very well thought through one can make an assumption that the substantial bit of the amendment itself probably has not been very well thought through either and it is on a very major issue of work.

2490 I think the only reason not to suspend the Rules would be if we think it is unsafe for the States to debate the amendment. I do not think it is unsafe for the States to debate the amendment, I am happy to vote to suspend the Rules but as I say I think the amendment is rubbish and I will vote against it.

The Deputy Bailiff: Deputy Brehaut.

2500 **Deputy Brehaut:** Thank you, sir.

The reason the Rule is there is to safeguard against any unnecessary expenditure, and we have heard from Deputy Lowe just a moment ago on how she prioritised, when she stood to her feet, education, health and home, that is where the money should go. Deputy Paint also guarded against further expenditure. We have no idea how much this project could cost. Bearing in mind the KPMG review of the housing market cost – £100,000. It is late, it has not been to this Assembly yet, and the scope of that report broadened out in a way that people probably imagined it would not have done.

2505 This Rule is here to guard against this type of expenditure. Unusually for me because I consider myself a democrat and very rarely vote for these – sniggers aside, Deputy Inder – and usually do not vote to support – I vote usually, I have to say, in support of a suspension, but this is such a cost and of an unknown quantity that I refuse on this occasion to open that door ajar. Bearing in mind the Longue Hougue reclamation and the £300,000 of expenditure could in fact be more, we do not really have a quantum or a feel for the numbers. So on that basis I will be opposing this proposition.

2510 **The Deputy Bailiff:** Deputy Inder.

Deputy Inder: Sir, there is nothing more perverse than elements of this conversation. I know under the education debate there was no need to suspend the Rules, but the majority of this Assembly, I think it was 27:13 in the end, voted on a policy when they had no idea whatsoever what the end cost would be, and we have just heard from Deputy Brehaut playing the normal card that he, through you, sir, ... he does this whole sort of one party system where everyone gets behind the wheel and there is no scrutiny at all. It is almost perverse, what I have heard over the last 10 minutes, it really is.

2525 You have been through a process where it is likely you will spend in capital expenditure alone at least £20 million over and above the three-school model, yet on this some of you will not allow a debate where someone may have made a minor error with reading a Rule. It beggars belief, it genuinely does.

2530 **The Deputy Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

2535 Perhaps I can clarify the situation a little for Deputy Inder. The significant difference between this process and the process around education is that before that significant expenditure that Deputy Inder refers to that will be a decision for the States to make, what we are debating now is

actually the expense of the process so there will be no second chance. If this amendment is successful this Assembly will be sanctioning a significant and unquantified expense; that is the crucial difference between the two examples that Deputy Inder used.

2540

The Deputy Bailiff: I do not really want to prolong debate on this motion to suspend the Rules. Has any Deputy got anything new to add to whether or not the motion should be put for or against?

2545

Deputy Tooley: I believe I do, sir, and very briefly.

The Deputy Bailiff: All right, well I will call you first and then Deputy Leadbeater, if you want to say something second.

Deputy Tooley.

2550

Deputy Tooley: Thank you, sir.

I do just want to say briefly what we see happen where people bring amendments to policy papers is that people read them and then have the opportunity to make alternative amendments and so on, if we suspend this Rule, as I see it, then the proposer and seconder require a committee to do something, that committee not having had the opportunity to look at this and perhaps propose an alternative amendment. If we are going to suspend the Rules to allow us to debate this amendment then it is my opinion that we should suspend the Rules to allow E&I to go away and come up with an alternative, as it is them that is being required to do something that might be more palatable to them. They do not have that opportunity because we are at a stage where the only people who can bring amendments to this policy are P&R and that to me makes a mockery of the whole system.

2555

2560

Thank you.

The Deputy Bailiff: Deputy Leadbeater.

2565

Deputy Leadbeater: I will be brief, sir.

I think Deputy Matt Fallaize has got it right. In the interest of democracy let's suspend the Rules and have this debate. If you do not like it vote against it. Simple as that.

2570

A Member: Hear, hear.

The Deputy Bailiff: Deputy St Pier.

2575

Deputy St Pier: Sir, briefly, I think Deputy Roffey's point about what is the purpose of the Rule, I think the purpose of the Rule was in the context of the P&R Plan to enable Policy & Resources to be able to advise the States of the implications of amendments that are brought forward.

There has been much talk about the resource implications. There is a suggestion they could be high. I am sure those who are moving the motion will suggest the resource implications are low. All I would say, sir – for the purposes of this part of the debate, I will not comment on the substance – is P&R are unable to advise the States what the resource implications are, which was and is the purpose of the Rule, I believe.

2580

The Deputy Bailiff: Deputy Meerveld then to reply to the debate on the motion to suspend some Rules.

2585

Deputy Meerveld: Thank you, sir.

Unfortunately at the start of this discussion I missed my opportunity. I did have a couple of paragraphs explaining exactly why this amendment has come in late; unfortunately I was not familiar with the procedure so the split in the presentation.

2590 But before I go on to that I would like to just address Deputy de Sausmarez's comment about significant and unquantified expenses. Potentially there may be a cost associated with this, but going back to Deputy Inder's comments about the two-school policy that was voted in, we have just seen in the headlines in the last week £750,000-worth of additional costs being put into improving La Mare de Carteret School. Under the three-school policy that is lost capital that cannot be recovered. Under the three-school policy we would have been building and putting spades in the ground for a new school this month, with that school being demolished in two years. So that is a direct consequence to the States.

2600 **Deputy Fallaize:** Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2605 The expenditure on La Mare de Carteret High School would have been necessary, indeed essential, irrespective of whether the States voted in favour of the two- or three-school model because under the three-school model, based on the final amendments which were issued by the previous Committee, no student would have moved into the new premises at La Mare until September 2022. There is no way that students could have continued in the present premises without this investment until then.

2610 **The Deputy Bailiff:** Deputy Meerveld to continue.

Deputy Meerveld: Thank you, sir.

2615 I think we will have to beg to differ on the amount that would have to be spent to maintain that building.

Okay, I will read the first two paragraphs from my original statement, which as I say I unfortunately missed the opportunity to say previously.

2620 Sir, regrettably I must start this statement with an apology. We did not have time to consult with the Committee *for* Environment & Infrastructure or Policy & Resources in accordance with Rule 4(3) regarding cost implications prior to laying this amendment. The draft amendment was submitted to the Law Officers –

Deputy Tindall: Point of correction, sir.

2625 **The Deputy Bailiff:** Point of correction, Deputy Tindall.

Deputy Tindall: Rule 4(3) says:

... may request of any Committee any information required ...

With regard to this, the Development & Planning Authority would also have been involved.

2630 **The Deputy Bailiff:** Deputy Meerveld.

Deputy Meerveld: I stand corrected.

2635 The draft amendment was submitted to the Law Officers on May 21st in good time to consult and to meet the cut-off for submitting amendments. However, due to work pressures and oversight it was not returned by the Law Officers until May 30th, leaving no time to liaise with Policy & Resources and E&I and the DPA –

Deputy Soulsby: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Soulsby.

2640

Deputy Soulsby: I believe the reference to Social Services mean that the Committee *for* Health & Social Care should have been advised as well.

The Deputy Bailiff: Deputy Meerveld.

2645

Deputy Meerveld: By all means we would have loved to have consulted with everybody if we had not lost nine days with our amendment being lost in the mix leaving no time to liaise with Policy & Resources, Environment & Infrastructure, Development & Planning Authority and Health & Social Services and therefore we could not consult with all those people prior to submitting the amendment on 1st June, for which Peter and I apologise to the Members –

2650

I give way.

Deputy Merrett: Thank you, Deputy Meerveld, for giving way.

2655

I hate pointing out the obvious but I am going to introduce it, even when a Member decides they want to do amendments, sir, that does not stop them – I am really uncomfortable, sir, with blaming the Law Officers. I will try to explain why when I get my passion under control. The point is this, sir, we instruct the Law Officers; when we instruct the Law Officers of our intent there is no reason why any Member could not give guidance or give their intent to any Member of this Assembly to any committee at the same time and in parallel with working with the Law Officer. (**A Member:** Hear, hear.) So I am very uncomfortable because it appears to me, sir, rightly or wrongly, and Deputy Meerveld may wish to correct me, but it implies to me that he is blaming the Law Officers for not speaking or communicating with other Members of the Assembly, and I think that is shameful, sir.

2660

Deputy Meerveld: Well I will happily correct Deputy Merrett, sir.

2665

If I had been able to get on to my next paragraph, I would have explained that this amendment was being submitted at the request of the St Sampson Douzaine and consequently they were the ones who prompted us to actually look into this matter and therefore we wanted to share the revised draft with them before coming forward and making sure it met their concerns. Therefore the delivery of the draft amendment back to us late did not – I will not be giving way again, thank you – will not be ... consequently not having the draft amendment returned to us was fundamental in not being able to then consult with the relevant departments.

2670

Thank you, sir.

Deputy Fallaize: Point of correction.

2675

The Deputy Bailiff: Point of correction, Deputy Fallaize.

Deputy Fallaize: It really is quite incorrect for Deputy Meerveld to blame the Law Officers because the terms of the amendment have nothing to do with the Law whatsoever. It is all completely policy. The wording in the amendment itself, it did not even need the advice of the Law Officers. Quite frankly, it does not have to be drawn up by the Law Officers, so I do think it is unfair and incorrect for Deputy Meerveld to finger the Law Officers in the way that he just has, and I think he should withdraw his criticism of the Law Officers.

2680

Several Members: Hear, hear.

2685

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

2690 The Law Officers were given a draft of an intent or an objective that one should be achieved and therefore we were waiting for the return of that information.

I do not castigate the Law Officers in any way whatsoever. At the end of the day it was a simple oversight, but that is simply an explanation to this Assembly, why this amendment was placed late and why due consultation was not undertaken.

2695 But I still, following on from what Deputy Ferbrache has said, believe that it is an important matter that should be considered by this States and I ask everyone to support the suspension of the Rules so we can get on with the discussion instead of discussing whether or not to discuss it.

The Deputy Bailiff: Deputy Tindall.

2700

Deputy Tindall: I was going to ask for a recorded vote, sir.

The Deputy Bailiff: All right. I am going to put to you, Members of the States, the motion proposed by Deputy Meerveld and seconded by Deputy Ferbrache, which is to suspend Rule 4(3) and Rule 24(2)(b) and (e) of the Rules of Procedure to the extent necessary to permit the amendment that has been set out below to be debated, and there is a request for a recorded vote.

2705

There was a recorded vote.

Deputy Le Pelley: Sir, could I ask a question of you. The Alderney Representatives have been in the Chamber for some considerable time, sir. They have taken part in all of this or have listened to all of this but they are not relevéd yet. I do not know ...

2710

The Deputy Bailiff: They have not been relevéd, Deputy Le Pelley, but they came in part way through the debate and had not requested it, so they have not voted.

Not carried – Pour 17, Contre 18, Ne vote pas 0, Absent 5

POUR

Deputy Le Pelley
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Graham
Deputy Green
Deputy Paint
Deputy Brouard
Deputy Dudley-Owen
Deputy Yerby
Deputy Prow
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Gollop
Deputy Leadbeater
Deputy Mooney

CONTRE

Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Dorey
Deputy De Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc

NE VOTE PAS

None

ABSENT

Deputy Laurie Queripel
Deputy Le Tocq
Deputy Oliver
Alderney Rep. Jean
Alderney Rep. McKinley

2715 **The Deputy Bailiff:** Members of the States, the voting on the motion to suspend certain Rules pursuant to Article 7(1) of the Reform (Guernsey) Law 1948, proposed by Deputy Meerveld and seconded by Deputy Ferbrache, there were 17 votes Pour, 18 Contre, 5 absences. Therefore I declare the motion lost with the consequence that the amendment cannot be placed.

2720 The next amendment on the list is amendment 5, Members of the States. I am going to invite in a moment Deputy Soulsby to withdraw that amendment.

Deputy Soulsby: Yes, I wish to withdraw that amendment, sir.

2725 **The Deputy Bailiff:** We are going to withdraw that amendment. Alderney Representatives Jean and McKinley, do you wish to be relevéd?

Alderney Representative McKinley: Yes, please, sir.

2730 **The Deputy Bailiff:** Thank you very much. So now Members we know that amendment 5 is not to be placed by Deputy Soulsby, it was overtaken by an earlier amendment, so we reach amendment 4, proposed by Deputy Yerby. I invite Deputy Yerby to place that amendment if she wishes.

Deputy Yerby: Thank you, sir, the amendment reads:

Amendment 4:

After Proposition 3, to insert the following proposition:

"4. To direct the Policy and Resources Committee:

a) to re-evaluate the criteria for access to the Transformation and Transition Fund (currently "significant long-term transformation in the delivery of services, evidenced and measurable benefits, and a return on investment");

b) to re-evaluate the internal processes governing applications for release of funding from the Fund;

c) to consider whether the criteria and processes surrounding the Fund are fit for purpose, in terms of promoting timely and effective support for transformation and transition projects across the States; and

d) to make recommendations in the 2019 Budget report for any changes which may be required to the criteria and processes surrounding the Fund, in order better to achieve its purpose."

2735 **Deputy Yerby:** Sir, the amendment is fairly self-explanatory. We have had a Transformation and Transition Fund in place for four years now. It was set up with a balance of about £27 million and of that less than £4 million has been spent over four years, which is a pretty slow run rate for something that is supposed to be transforming and supporting significant change in the way that we deliver Government services.

2740 So that has to call into question whether it is working as this Assembly intended when it was set up. If it is not working as it was intended what is it that is creating the barrier? Is it because we got the criteria for access wrong, or are the criteria fine – they certainly sound good written down – and it is our internal processes and decision making that are letting us down? Is it – and P&R
2745 may find this in their review although it is not expressed in this amendment and they may come back to us in the Budget with comments along these lines – is it that internally we do not understand how to use the Fund, how to make applications that meet its needs, and if so are they able to support the committees to do so better? What is it that is holding this Fund back from supporting transformation and transition within public services in the way that was originally
2750 envisaged?

I am grateful to Deputy St Pier for confirming on behalf of P&R that they intend to support this amendment. I trust that will come out in the debate as well, and I ask Members of the Assembly to support it.

2755 **The Deputy Bailiff:** Deputy Tindall, do you formally second the amendment?

Deputy Tindall: Yes I do, sir, and reserve my right to speak.
Thank you.

2760 **The Deputy Bailiff:** Deputy St Pier, do you wish to exercise your entitlement to speak at this stage?

Deputy St Pier: Yes, please, sir. Thank you.

2765 Sir, the Policy & Resources Committee, as Deputy Yerby has said, does support this amendment. Given the progress made in transforming public service through the Public Service Framework which of course is reported in the Chief Executive's update which is an appendix to the plan update, we think that it is timely to reassess and re-evaluate the criteria and the terms of reference in relation to the Transformation and Transition Fund and to report back in the Budget Report.

2770 One point that it is important to make is the Public Service Reform Framework is a 10-year plan from 2015-25 and it is and was intended that the Fund supports that transformation journey throughout that period. So it is not an indicator of success simply how much of the Fund is spent or how fast it is spent, but rather we do need to consider the benefits that have been secured from that spending.

2775 Sir, I think the concerns – the observations, I should say – of Deputy Yerby in relation to the quantum and rate of spend so far are a valid observation but that is not necessarily the be all and end all.

But having said all of that, the Policy & Resources Committee is supportive of this amendment and do feel it is timely, sir.

2780

The Deputy Bailiff: Deputy Green.

Deputy Green: Thank you.

2785 I am broadly supportive of this amendment too. The starting point with the Transformation Fund, sir, as with any one-off fund is that we do need to make sure that we realise we have only got one chance to get it right. I think we would always want there to be reasonable controls in place with a fund such as the Transformation Fund, it is public money and any bids need to be handled with careful thought. But whilst there is always a need for a robust process for accessing public monies in the Transformation Fund, it is perhaps surprising that only £3.4 million of the
2790 £26.7 million has been spent so far, and why is that?

So I do not think it would do any harm at all for there to be sensible analysis and re-evaluation of the criteria and processes around this Fund, and after all the process does need to be the servant of the States and not the master. If it transpires that the process or criteria are to any extent flawed then we do need to re-design that to better facilitate the will of the Assembly, if you like, in terms of transformation, which is such a crucial part of the Medium Term Financial Plan.
2795

But one thing, sir, we do not particularly know is how long precisely it is taking for Transformation Fund bids to be approved formally, and indeed why is it that certain bids are unsuccessful.

2800 Notwithstanding that, sir, I am supportive. There was one thing, one item in the explanatory note of this amendment that did slightly surprise me which is the final paragraph which reads and I quote:

Anecdotally, it seems that Principal Committees face significant barriers to accessing finance from the Transformation and Transition Fund to support initiatives which should fall within its scope. This would appear to be substantiated by the slow rate of spending on the Fund. Four years after the establishment of the Fund, it is timely for P&R to review how it operates, and whether the processes and criteria surrounding it are effective, or whether they inhibit it achieving its intended function.

I agree with that, but I was wondering, sir, if Principal Committees have been encountering those significant barriers that the explanatory note refers to in accessing funds, surely before now presidents of those committees have been directly engaging with Members of Policy & Resources to help identify and deal with those logjams. So I would ask the proponent and seconder of this amendment to what extent they are aware that efforts have been made by Presidents of Principal Committees to engage directly with P&R on this. Have they explored precisely what the logjams are, was it absolutely necessary for this amendment to be laid and to be debated in this Assembly? It may be, sir, that behind the scenes those conversations have been had and perhaps it has been difficult to identify exactly what the logjams have been. I would like a bit more detail about precisely whether those issues have been explored before now.

But nonetheless, I think it is very timely and I will be supporting.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Deputy Green wants some comment from the Principal Committee Presidents and although I am the least experienced among them, there are not very many left up here at the moment for some reason, they have all disappeared. They knew I was going to speak probably.

My experience actually, limited though it is in terms of time in this role, is sort of the opposite from that that is reported anecdotally in the explanatory note to this amendment. I do not oppose the amendment particularly not since P&R is proposing it itself, but there is the need for the Committee for Education, Sport & Culture to make a very substantial application for funding from the Transformation and Transition Fund as was approved in principle by the States in January but the full case has to go in. Actually if anything, Policy & Resources has been encouraging us saying 'Where is your bid?' and actually if there is any hold up it is in trying to get together the preliminary information necessary to put the bid in. But wherever the support of the Policy & Resources Committee has been needed, in my limited experience, it has been forthcoming both at political and officer level and I do not see any problem in terms of the process of accessing the funds which the States have allocated for this purpose.

Now I may stand here in a year's time with a completely different story and say the Policy & Resources Committee has been extremely awkward and they are wholly responsible for the lack of progress being made by my Committee, but I do not think I will be saying that because my early experiences are that P&R wants to invite applications for access to this Fund and wants to spend the Fund on genuine transformation programmes.

I hazard a guess that one of the reasons why less money has been used from this Fund than perhaps was originally anticipated is because committees have not bid for genuine transformation programmes and have possibly tried to use the Fund as a sort of budget reserve. Well, it was not meant for that purpose, but in my experience if genuine transformation bids are made then the instincts of the Policy & Resources Committee is to make the money available.

Thank you.

Deputy Leadbeater: Sir, can I try Rule 26(1) please?

The Deputy Bailiff: Yes, Deputy Leadbeater. Will those Members who wish to speak on amendment 4 stand in their places please?

Do you still wish to invoke it?

Deputy Leadbeater: No, sir.

The Deputy Bailiff: Thank you very much.
Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

2855 Listening to Deputy Fallaize, I thought there goes a newbie, (*Laughter*) but seriously we have made – it is possibly no co-incidence that the proposer and seconder are both Members of my Committee, or the Committee *for* Health & Social Care, but that should not be seen as because we are having a difficult time with Policy & Resources – far from it; I mean just recently we put in a bid for £1.9 million for a range of various projects that we need to do and we have got approval
2860 for of that first tranche of half a million pounds, and we have, over the last year, the money we have received has enabled us to make the changes that we have and clearly it has worked to that extent.

But I think where the issues arise are more at the granular level where we are talking about what are elements around being able to do double running, so one example is the whole re-
2865 enablement programme we would have liked to put through Transformation and Transition Fund but that is going to require double running as we move from one system into another but currently – and we have discussed this – the current processes make it very difficult to get funds in that respect, and I think that is the sort of thing that we are talking about. Deputy St Pier is aware of it and that is why I am glad that Policy & Resources are supporting this amendment.

2870

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Sir, I just wish to add that – obviously as seconder I am very grateful for Deputy Yerby actually asking me to second this, I know there was actually a queue. But I wanted
2875 to respond to Deputy Fallaize's point about we are not criticising P&R in the way that this has been dealt with. For me certainly it is about one of the criteria being a return on the investment, which as I understand has caused some concern. So it is more about the actual criteria, it is reviewing the criteria to making sure that the Fund can be used for what it is intended so we can reap the benefits.

2880 Thank you.

The Deputy Bailiff: Once again the President of the Policy & Resources Committee has spoken so I invite Deputy Yerby as the proposer of the amendment to reply to the debate on it.

Deputy Yerby.

2885

Deputy Yerby: Thank you, sir.

I think Deputy Soulsby's response to Deputy Fallaize probably said most of what I needed to say. I was not clear from what he said whether had had the answer to his bid yet and whether in response to that he might feel differently.

2890 I think probably what may be missing where bids are not funded or where committees are questioning whether or not to put a bid to the Transformation and Transition Fund, is a common understanding of what a so-called genuine transformation project may be, and so revisiting the criteria to make sure that they are ones we all consider acceptable is absolutely the right thing to do.

2895 Deputy Green was really the other question, asking whether committees had been engaged behind the scenes with Policy & Resources to try and clear logjams; and the answer to that, at least in my experience, has been yes and Policy & Resources have been helpful. We have had very positive engagements with Policy & Resources on a number of matters on some of the committees that I am a Member of, but that does not mean that we should not also be asking the structural question about whether the Fund is achieving what it has been set out to achieve and,
2900 were I feeling mischievous, I might be tempted to ask Deputy Green why Scrutiny was not all over a fund which had been spending so slowly against what it had in its initial balance!

Deputy Green: A work in progress. (*Laughter*)

2905

Deputy Yerby: However, I think the case has been made for this amendment and I would ask the Assembly to support it.

2910 **The Deputy Bailiff:** Well, Members of the States, this is amendment 4, which is proposed by Deputy Yerby, seconded by Deputy Tindall, which will add an additional Proposition and some number will be found for it in due course. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that amendment duly carried.

2915 Now Members of the States, Deputy Tindall forewarned us first thing this morning that there would be an amendment coming. It is a bit like buses there were two amendments in quick succession and yet there has been another amendment subsequently and this is amendment 12 which I am going to take before either amendment 10 or 11 because this is proposed by Deputy St Pier and seconded by Deputy Trott, and therefore there will be no need to have a motion to suspend any Rules at all.

2920 So once everyone has a copy of the amendment in front of them; is anyone without an amendment marked 12?

Deputy St Pier, to propose this amendment.

Deputy St Pier: Sir, and again perhaps the Greffier would not mind reading this please for those listening outside.

2925

The Deputy Bailiff: Thank you.
Greffier please.

The Greffier read the amendment.

The Deputy Bailiff: Deputy St Pier.

Amendment 12

1. In Proposition 1 o) –

(a) to omit the word "Principal", and

(b) immediately after "by the States" to insert "but respecting the specific requirements of each Committee".

2. In Propositions 1 r) and s) as inserted by Amendment 8 to omit the word "Principal" wherever occurring.

Deputy St Pier: Sir, thank you.

2930 Very briefly as you suggested, sir, in introducing this, the reason for Policy & Resources introducing this is to avoid the necessity to suspend the Rules. The format of the Proposition 1 here is exactly the same wording or delivers exactly the same effect as in the amendments previously circulated by Deputy Tindall under amendment 10 and 11, albeit with a slightly different format, but it has the same effect.

2935 Proposition 2 simply addresses the issue which Deputy Tindall, quite rightly, raised in the debate on amendment 8 which is the offensive use of term 'Principal' before Committee in that amendment, for which I apologised in that debate. It seems sensible to take this opportunity to tidy that up and to give Deputy Tindall and indeed the Presidents of the other non-Principal Committees reassurance that we will endeavour to seek to use the correct language on all future occasions, (**Several Members:** Hear, hear.) but beg her indulgence if we should slip in our performance for any reason. No slight is intended, as I said before, and with that, sir, I encourage
2940 Members to support it.

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

2945 **Deputy Trott:** I do, sir, thank you.

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

2950 I just think I will briefly explain the position. I am very grateful to the President and Vice-President of P&R for laying this amendment. For me it is third time lucky simply because amendment 10 had the wrong seconder on one part and amendment 11 obviously hopefully, if this is passed, will not be required.

2955 So this results obviously in the need ... we avoid the need to ask for the Rules of Procedure to be suspended which is obviously particular appreciated as well because of the extension in respect of the amendment to the amended amendment 8.

I would also add that the Rule in 4(3) would not have applied to the amendment that I was proposing to lay in respect of the one that would have required the Rules to be suspended because it had no financial implications, so I just wanted to make that clear.

2960 I would like to thank Deputy Lester Queripel for obviously agreeing to second the original proposal, in particular because of course he is a fellow Member of the Development Planning Authority who are taking slight umbrage at the way in which we are being ignored. *(Laughter)*

2965 The reason I wanted this amendment to be laid is not simply that; it is because I was concerned over its effect on the Resolution passed at the debate on the P&R Plan last year. Deputy Gollop and I were concerned then that professional officers, particularly working within specialist policy roles supporting committees such as the Development & Planning Authority, should not be subject to redeployment without consultation with the respective committee or committees and having respect to their specific requirements.

2970 So reading Proposition 1 o) – or smiley face as my colleague just said – on this policy letter appeared to alter the purpose of that extant Resolution and also to remove the ability for the Development & Planning Authority to be involved in that conversation.

As is stated in our original amendment, Deputy Lester Queripel and I believe – or proposed amendment – all committees should be consulted, not just the Principal Committees and during that consultation specific requirements of each committee should be respected.

2975 Last year we explained this by using the DPA as an example where planning officers are specifically recruited for specific positions, redeployment of planning policy staff would reduce the specialist resources available to the Planning Service, impacting significantly on both the DPA and the Committee for the Environment & Infrastructure. Although planning policy staff would have the potential to contribute through their experience and training to States of Guernsey priorities in other policy roles within the States, such redeployment would be a one-way street. Redeployment of chartered town planners would also not capitalise on their specialist training and experience and make future recruitment to planning policy roles less attractive for potential candidates.

2985 Sir, I believe that if all committees' both officers and politicians are consulted they are more likely to have the correct staff resources, albeit undoubtedly insufficient, needed to undertake the 23 policy priorities whilst respecting the specific requirements of each committee.

I therefore ask the Assembly to support this amendment.

Thank you, sir.

2990 **Deputy Leadbeater:** Sir, can I have another go at 26(1) please? *(Laughter)*

The Deputy Bailiff: Deputy Leadbeater, yes.

2995 Will those Members who wish to speak in the debate on amendment 12 please stand in their places? I do not think it is going to be necessary because I will simply turn to Deputy St Pier as the proposer of the amendment to reply to the debate.

Deputy St Pier: I have nothing to add, sir.

3000 **The Deputy Bailiff:** Right. In that case, Members, we will move to the vote on amendment 12 which is proposed by Deputy St Pier, seconded by Deputy Trott. Those in favour; those against.

Member voted Pour.

The Deputy Bailiff: I declare that amendment duly carried.

3005 Unless anyone knows anything that I do not, that seems to conclude the amendments because I understand, Deputy Tindall, that you will not be seeking to move either amendment 10 or amendment 11.

Deputy Tindall: That is correct, sir.

The Deputy Bailiff: Thank you.

3010 So we go into general debate.
Deputy Lowe.

Deputy Lowe: Thank you, sir.

3015 **The Deputy Bailiff:** Just before you start, is there going to be a composite set of Propositions? Would that be helpful for Members or can we work between it? Mr Comptroller.

3020 **The Comptroller:** Sir, yes, I have been working on a set of composite Propositions. I need a little bit of time just to check that I have got everything included, but I hope they will be available quite shortly.

The Deputy Bailiff: Well as soon as they are available perhaps they could be circulated. With the best will in the world I think we can move into general debate now without having to adjourn.
So Deputy Lowe.

3025 **The Comptroller:** Yes, sir, thank you.

Deputy Lowe: Thank you, sir.

Sir, it is useful to have this opportunity to update the States and the wider community on the Committee *for* Home Affairs contribution to the Policy & Resource Plan.

3030 The policy priorities of the Committee *for* Home Affairs is set out together with an outline of the anticipated benefits work and resources needed to realise these benefits. The primary purpose of the Committee *for* Home Affairs is to maintain and promote a safe and secure society which values public protection and justice and respects the rights of every individual. This is largely achieved through frontline public safety services, such as policing, border control, fire and rescue
3035 and the Prison, complemented of course by the Committee's other responsibilities which include the prevention of financial crime, population management, probation, trading standards, JESCC, the Family Proceedings Advisory Service, emergency planning, gambling regulation, electoral roll, data protection, Domestic Abuse Strategy, justice policy, Police Complaints Commission and various licensing and regulatory roles.

3040 The Committee is mindful that as well as ensuring a safe and equitable society one of the primary concerns for our community is the economy. In this respect we seek to ensure that we

create conditions that encourage and foster businesses to start up, grow and operate whilst ensuring the continued good quality of life for our citizens.

3045 The Home Affairs priorities reflect this and we are committed to assist in ensuring that Guernsey's international identity and reputation are upheld and that Guernsey continues to be a forward looking, attractive and safe place to work and live.

The Committee's priorities in the context of the P&R Plan include Brexit, justice framework which prevent challenge and restore, security and cyber security policy, strategic population strategy.

3050 The Committee has also read with interest the recent letter of comment provided by the Scrutiny Management Committee. It contains a number of statements relating to Home Affairs and the progress made with achieving efficiencies and savings where it might be helpful to States' Members to have a little more background information.

3055 First, it goes without saying that the Committee *for* Home Affairs is as committed as the rest of the States to prudent management of finances. It is also best to judge people and organisations by their track record. In this respect, Home Affairs has implemented significant changes in recent years. In doing so it has reduced its general revenue spend by £4 million. Achieving this level of saving this early has not been easy nor without pain, but made possible through reviews, reprioritisation of service provision and new ways of working.

3060 The position now, however, is that services are close to the necessary minimum levels to deliver the safe and secure environment which the States and the various pieces of legislation direct the Committee to provide. That does not mean we have reached the end of our journey. Far from it. Instead it means that some services will have to be delivered differently if further savings are to be achieved. In addition, some public expectations will need to change. The focus must now be on middle- to longer-term transformation.

3065 Reference is also made to the PwC review commissioned by the Policy & Resources Committee into Home Affairs and Education, Sport & Culture. The net result was an interesting report which reaffirmed much that was already known. It is acknowledged that the increases in demand across probation and law enforcement were consistent with trends being experienced more widely across law enforcement in the UK and yet no additional revenue resources had been or were being sought.

3070 The other key area where PwC believed there could be significant savings was the potential merger of the Guernsey Fire & Rescue Service and the Ambulance & Rescue Service. There are differing views over the reality of such savings but nonetheless the States has already decided that the relationship between St John and Rescue as a non-States' body should be managed by the Committee *for* Health & Social Care. This is entirely appropriate given the considerable interdependency between St John and the Hospital. Home Affairs remains open to assisting and supporting any future restructuring but will only be doing so at the request of Health & Social Care. Nonetheless, in the interim the Guernsey Fire & Rescue has at no cost taken over management of the cliff rescue function and is working with trained officers and skilled volunteers to ensure this important service continues.

3080 The Committee has also recognised that ways have to be found to contain public expenditure. It has therefore been working diligently in conjunction with its officers and finance support staff to develop a Home Affairs sub-set of the Medium Term Financial Plan. The early drafts of the Medium Term Financial Plan understandably focused on making annual 1% reductions. As the Committee analysed the draft it quickly became apparent that this type of salami slicing was not sustainable and impacted upon frontline services. Discussions followed involving all key parties, culminating in the Committee setting up a meeting with the Policy & Resources Committee for a joint discussion on how best to move this forward.

3085 As many of the potential efficiencies currently under consideration require extensive input and support in respect of property, HR, IT and finance, which are not directly controlled by the Committee *for* Home Affairs, working jointly with P&R will be essential. As a result it was agreed to establish an oversight board comprising of the Presidents and Vice-Presidents of Home Affairs

3095 and Policy & Resources. The first meeting of this board is scheduled within the next fortnight at which it is anticipated there will be constructive discussion over the multiple potential opportunities which Home Affairs has identified. There will be an assessment of which ones should be given priority, the resource implications to fulfil them, the timings, and any predicted changes in the policy, legislative or organisation structures which would be needed.

3100 Our particular concern is the frailty of some of the IT infrastructure which we all know and appreciate is being addressed. There is, however, a frustratingly long way to go.

3105 Also the other major issue for Home Affairs is the property portfolio where we really do need input and leadership from those mandated to manage property, ensuring all are in the right buildings. For Home Affairs a classic example is the Police Station which our forebears decided to put into an ancient monument formerly a workhouse. Across the whole of the States there needs to be a good look at the overall property requirements. This is going to need the external property professionals to be supporting and guiding States' services into buildings which are both suitable and affordable.

3110 It is not, however, a case of Home Affairs just waiting for others to act. We are looking for every opportunity to maximise the available space within the existing buildings. As an example, this includes assessing whether the small team of staff at Home Affairs Head Office can be relocated alongside the team at the Fire & Rescue Service, thereby reducing expenditure on the officers we currently rent commercial at Les Vardes House.

3115 In summary, the Committee *for* Home Affairs continues to be pro-active in the pursuit of further efficiencies and savings. There is a clear commitment by all parties to work together to develop and implement sensible and sustainable savings in ways that have no or minimal adverse impact upon the quality of Island life. In addition to managing the finances and driving efficiency the Committee continues to have a raft of critical legislation and policy proposals to bring forward, which will include in the coming months the Internet Age Verification, Customs and Brexit and the Sexual Offences Law.

3120 Overall the Policy & Resource Plan sets out a path, but being realistic it is not going to be practical or possible to deliver on it all. Home Affairs, for its part, will continue to use its best endeavours to serve the States and this Island by delivering what it can of this Plan and its mandate.

Thank you, sir.

3125

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

3130 The amount of time this Assembly has spent debating and amending this P&R Plan and the amount of time our civil servants spend writing and rewriting this P&R Plan is quite extraordinary. Especially when one bears in mind that once the Plan is finally formulated it will have a very limited shelf life.

3135 I am sure my colleagues will recall I have always questioned the need for this Plan. In fact I am the only Member of the Assembly to have voted against it originally. I did that because I really did not see, and I still do not see, the need for it.

3140 Why do we need this Plan to do the job we have been elected to do? That question has never been answered, sir, even though I have asked it quite a few times. Every department has a remit and a mandate. We all know what the responsibilities and the duties of every department are, and we all know that our responsibility and duty as a Deputy is to ensure the wellbeing of the people. We all know the procedures we have to follow and the mechanisms that are available to us.

So would Government come to a complete standstill if we were not in pursuit of this Plan, which purports to be the *panacea* we need to resolve all of our problems? Sir, I suggest that the answer to that question is no, Government would not come to a standstill.

3145 Another question that needs to be answered is where would we be if we did not have this P&R Plan to continually debate and amend? Surely the answer to that question is we would be doing

all the work we should be doing instead of sitting in this Chamber hour after hour, day after day, spending precious time debating what I consider to be a totally superfluous Plan.

3150 What is in this Plan that enables a department or a Deputy to do that they cannot do now? Now I may be missing a fundamental point somewhere along the line and apologise to my colleagues if I am but I have come around again to thinking for the sake of my conscience I should vote against this Plan on the grounds that in my view it is a complete waste of time and taxpayers' money.

3155 But I say that, sir, with the utmost respect to my colleagues who are working extremely hard to progress the initiatives in this P&R Plan, but surely they could pursue and progress those kind of initiatives without this Plan being in place, and of course consequently they would have a lot of time to pursue them because they would not need to spend time pursuing and progressing the Plan itself, they would have a lot more time to progress the actual initiatives and wouldn't that make a lot more sense? I do not expect you to answer that question, sir, by the way, I am simply putting it out to my colleagues through the chair.

3160 Sir, the previous Assembly were totally hamstrung by having to pursue and progress the States' Strategic Plan. In my view, this Assembly is being hamstrung by our pursuing and progressing this P&R Plan. I want to emphasise at this point, sir, that I applaud the aspirations and objectives of both of those plans. The number one objective of the States' Strategic Plan was to improve the quality of life of Islanders, and the number one objective of the P&R Plan is to make the Bailiwick one of the healthiest and happiest places in the world, and who would not sign up to those objectives and aspirations. Even though they are both completely idealistic, they are well intended. It is because they are well intended that I resonate with them totally. But why do we need a plan to pursue those objectives when every department has a mandate and a remit and we all already know what we have to do?

3170 I will close by reminding colleagues, sir, that is not the end of it because we have future debates lined up to continue debating the P&R Plan.

Thank you, sir.

The Deputy Bailiff: Deputy Stephens.

3175

Deputy Stephens: Thank you, sir.

I am rising in the hope that I can help Deputy Lester Queripel, (*Interjections*) and to do that I think the best thing I can do is share with Members some of the activity that I am involved with, but with a health warning, because my activity is very closely linked with the mandates of other committees, and when working cross committee and talking about that work I am naturally going to mention the work that continues under other mandates.

3180 So to be clear I am not stealing anybody else's thunder, but I want to suggest that from my perspective without a plan, progress might have been more fragmented and much less certain. I am also suggesting it would have been a slower progress and a slower process to get to where we are today with PRC supporting co-ordination being directed through the priorities of the Plan.

3185 I have been a Member of a previous Assembly when those who shouted loudest seemed to get the most attention and most of the resources. This current term is much better (*Interjection*) Deputy Merrett talked earlier today about respect and so I thought I would share with you what I take to work with me every morning in my tool kit. I take a willingness to listen; I take deep respect for the decision-making process that sits in committees other than my own; I take an understanding of the complexities of projects from information I receive by working across committees; I rely on the direction of travel that committees have chosen; and I take a good measure of responsiveness so that I am ready to assist, as much as I can, in moving matters forward. When I get to work what I do is work with Policy & Resources Committee policy officers and others to support the work that is continuing in other committees.

3195 When Scrutiny Management Committee talk about leadership in the letter of comment, I would like to say to them that that is the level of leadership that I can offer.

3200 Now Deputy Fallaize also spoke today of PRC enabling Principal Committees, and that is my interest, and together in the past two years PRC's involvement with my particular policy interests has assisted other committees, it has enabled them to successfully co-ordinate cross-committee sector strategies including the CYPP, SLAWS and the Disability & Inclusion Strategy, to enable them to achieve their intended outcomes – importantly ensuring direct third sector involvement in the oversight of each of these priorities.

3205 We have assisted in focussing and targeting resources and support to priority areas as needs have been identified; for instance, Lottery Review, Disability & Inclusion Strategy, and secondary pensions. We have prioritised the Social Investment Commission and resources to support its establishment, again working with third sector representatives; we have given support and co-ordination to the First Guernsey Academy seeking to introduce commissioning principles to the community and this includes public, third and private sector, involving HSC's Partnership of Purpose; we have given input and backing under the third sector-led Third Sector Strategy; we have had increased engagement with the third sector, both its representative groups and individual organisations, making sure that their views are heard; and we have been championing and driving the changes that are needed to address some of the community challenges in and around social policy, including the issues raised by charitable organisations and raised by the Association of Guernsey Charities.

3215 Now also today, earlier Deputy St Pier talked about a focus on delivery and amongst all the things that PRC and I are involved in, there is one thing that brings a particular warm feeling to my heart, because of my previous involvement with children who are looked after and in care. So I will just share with you a little bit about the delivery that we hope to achieve in 2018 focussing on those children. So this year we are going to be looking to target support to those in care and care leavers, including psychological screening and annual health assessments. We are giving children a voice through the Children in Care Council, and we are ensuring that all looked after children have a placement plan in place, and we are looking to increase training and support to residential and foster carers seeking to demonstrate the progress made on the majority of KPIs.

3225 So I am firmly of the view that when I am working cross committee or working with many sectors outside Government the delivery of the work I am trying to do is greatly aided by the fact that we have a published plan that we are all signed up to, and I say to people that it is possible to progress a plan in a consensus government setting. It is perfectly possible to have a cross-committee plan that guides collaborative working, that informs everyone with an interest of what the committees are intending to do, but the ownership of those activities rests with the committee who are responsible, and progress relies heavily on collaborative working.

3230 Just finally I would say it may be that some Members – and maybe Deputy Lester Queripel might consider himself one of those – have not appreciated the surge in collaborative working that has developed in the past two years, due in part to the existence of the P&R Plan.

3235 Thank you, sir.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

3240 I do agree, very much agree, with Deputy Stephens that it is useful to have a plan. I think the process for developing it has been far too stilted, and long and convoluted, but I think it is important for any organisation and for any parliament to have a plan.

3245 Deputy Lester Queripel thinks that the last Assembly and maybe this one have been stymied by too much planning. The planning is to identify the priorities; but to make the priorities work we need resources. I think what really stymied the last Assembly was they just did not have any resources. In fact they were having to spend their reserves so the whole prospect of doing things new really did not exist unless it was at the expense of getting rid of some old services that were no longer required.

3250 We are still not much better than that but we are starting to move and as you start to release
any new money to focus on possibly doing new things, then having a plan when you decide as an
Assembly which are the most important things to do, probably supporting an expanded drugs
White List I think, but no, one of the most important things to do is absolutely crucial. So, in
common with Deputy Ferbrache, I tore my hair out at the beginning of this process and got
frustrated about the way we were doing it, but I do think it is absolutely vital that we have a
3255 document like this.

The danger is it gives Deputies like me the ability to talk about every aspect of government
when it comes back for a debate like this. I will resist the temptation to do that but there are four
aspects I do want to talk about that crop up in this plan.

3260 The first is CEDAW, the Convention of the Elimination of all forms of Discrimination Against
Women, which was mentioned, our aspirations are mentioned, to sign up to it are mentioned in
this Plan as they have been in every policy plan since the year dot. It is becoming ludicrous. It is
becoming embarrassing. I think the first proposal for actually Guernsey to sign up to CEDAW was
brought by a committee that I chaired in 1985 or something like that, the Equal Pay for Women
Investigation Committee; the States rejected that at that time, they decided that rather than
3265 having equality, women should be on pedestals – why they should be on pedestals I have no idea
but apparently that was the thing to do with women, I was told.

Nevertheless not many years later the States did decide that we ought to sign up to CEDAW.
Why have we not done so? Because the UK Authorities made very clear to us that the UK were not
going to extend things to Guernsey unless we had the right regime in place for them to be able to
3270 defend our signatory to that international convention, because the UK did not go around signing
things up on an aspirational basis – they had to actually live and breathe what they were signing
up to – and the two impediments were, at the time, the fact that we did not have a statutory
maternity system, which we now do, but the other one, and it is quite simple what the blocking
point here is, is a Law on equal pay for work of equal value.

3275 So my question to Deputy St Pier and to some extent to the other committees that will be
involved in that is why on earth can we not make a decision about whether or not Guernsey is
going to have a Law on equal pay for work of equal value. If we are not because we regard it as
too bureaucratic or too expensive for a small community, then stop mentioning CEDAW because
it ain't going to happen without that Law. Just get rid of it, let's just say we want to be one of the
3280 ... I think it is three or four regimes anywhere in the world that decides not to pursue CEDAW, but
if we are going to go on about CEDAW then we have to create a Law for equal pay for work of
equal value. So stop bringing it back every year, just do one or the other; it is a polar choice, it
really is.

I wanted to address the savings that were flagged up for Education in the same way as Deputy
3285 Lowe did for Home, although I leave my President, of course, if he wants to, to talk definitively
about it, but my stance of the outcome of this consultant's review is quite simple. I agree with
Scrutiny; we ought to address each and every one of those savings and either adopt them or
explain clearly why we are not. I think consultants do not run this Island but when we spend a lot
of money on a consultant's report we ought to either adopt their proposals or say we are not
3290 going to do so because ... My understanding is that Education are going to go through the whole
of those proposals in the very near future and do exactly that, and I think that that is the right
approach. So to some extent I accept the castigation from Scrutiny, but we are a very new
committee, we had a lot on our plate and we are going to do it very soon, so I think that ought to
be explained.

3295 I want to pick up on something else that Deputy Lowe said: she talked about getting the
conditions right for our economy to flourish and she talked in that context about the population
Law and making sure that the skills were available to allow that to happen.

3300 There has been a lot of talk about the problems that our demographic challenges are going to
bring to this Island and I do not underestimate them, but I actually think there is an opportunity
here as well, and that is that our population, our natural population, is going to shrink, already in

3305 common with a lot of the western world our fertility rate is below replacement. Now as our
population gets even older I know older people can have children but by and large they tend to
have fewer children than younger people and therefore our fertility rate is going to drop even
further. So for people like me that do not support a very large increase in our population because
3310 of the impact it will have on the Island, suddenly we have a disconnect between immigration
policy and population policy, because actually if our fertility rate is well below replacement we can
go out and try and attract the skills that we need for this Island that employers want without
actually increasing the overall size of our population. So I do ask P&R to ... this vague thing about
the skills that our economy needs, and yes, that is absolutely right but I actually think that could
be done if we are clever without actually having a big increase in our total population.

3315 Before moving on to my last point, I have to comment on something Deputy Lowe said, she
talked about this States deciding to put the Police Station into a scheduled building that was ... as
if it was something that had been done to Home Affairs against their will. Nothing could be
further from the truth, one of my most disappointing days in this Chamber was on behalf of –
when I was Elizabeth Lincoln's Vice-President on Housing and losing that building, the Old Town
Hospital to the Police Station when we wanted it actually for sheltered housing for elderly people
in Town. We actually had a consolation prize – we got the old nurses' home that became Maison
Celine named after the last Matron of the Town Hospital, we had to call it Maison Celine because
Bones House did not really work. (*Interjections*)

3320 The final thing I want to do is come back – sorry it has been a long day – to my central point,
my first point about how long it has taken to develop this particular Plan. Now I know that no
Assembly can bind its successors, but I do wonder whether starting with a blank sheet of paper on
day one after every General Election is a sensible approach, because actually, well it is absolutely
vital that the people coming in and inheriting the mandates of the old departments will want to
3325 make some changes. I wonder if they could not just inherit the Plan initially and then change it,
because I think 90% of what Health & Social Care are doing now, in 2020 the new Health & Social
Care will want to do. Of course there is 10% that they will think is absolutely wrong and they must
have the right to cut that out to remove it from their policy plan – same with Education, same with
a lot of other departments, and we just seem to have this lacuna that goes on for ever at the
3330 beginning of every Assembly.

It is such a cold start, I even think there is a case for going back to the old situation where
some memberships of a Committee actually carried on up from the last election, partly to
maintain momentum and partly because we do not know people from Adam when they first turn
up in here and therefore how do we know what the perfect committee actually is – or from Eve,
3335 sorry, I have got to be careful not to upset some of my colleagues in the Assembly.

So I actually think, I know we keep revising the policy planning system, but could we not
actually have a system where the policy plan of one Assembly carries on over to another. Within
the first few months they have the chance to prune out anything they really do not like so that
they are not pursuing policies they do not like at all but that we are not starting every time from a
3340 blank sheet of paper, because I think the Island is getting frustrated at about 18 months of
complete inactivity at the beginning of every Assembly while we start from scratch as if the new
Assembly is going to want to do entirely different things to the old ones. Yes, they are going to do
something different, but I actually think there is a case for some carry forward. So I ask P&R to
look at that.

3345 **The Deputy Bailiff:** Deputy Inder.

Deputy Inder: Thank you, sir.

3350 You will have to excuse me, Members, I have just got a few notes down generally; it was not
prepared.

I just want to pick people up on the Harbour Area action plan. I am trying to think back to the
myriad of vision documents that we have over the years regarding the Eastern Seaboard – and

3355 these are the State derived ones rather than the ones that came out of the private sector. I am
thinking under Captain Gill, I believe, there was a Ports Master Plan, which was originally the
Harbour Master Plan which is a bit of an odd name because it was written by the Harbour Master,
so it became the Ports Master Plan. There was the 2013 Retail Strategy which never came to
debate, that was written by the previous Economic Development, Commerce & Employment as it
was, I do not think that ever came to the States. In the same year there was the 44-page vision
document, which spoke about the St Peter Port and St Sampson's Centres and the reimaging of
3360 them. Then I think there has been a Sea Front Working Party, a Sea Front Working Group, and I
am sure Town Centre Partnership, IOD, Chamber of Commerce have all come out with various
papers on what we are going to do with the Harbour area.

Of course there were various traffic experiments which did not end quite well from the old
Environment Departments. It seems that everybody wants a piece of St Peter Port and I will turn
3365 to the most recent version which was of big ideas and it looks like it was the glossy version of the
vision document which is on the IOD site actually and this was put together by well actually I think
its terms of consultation seemed to have everyone was involved with it, including the Church on
the Holy Rock, the Methodist Church, three or four divisions of the Environment Department, and
it looks like 17 or 18 different groups were involved in it, but weirdly enough no-one clearly from
3370 the retail sector.

Now the introduction in that document and I think 3.5 in the Policy & Resources document
which matches with the 29th May emanation we had out of Central Comms the introduction of
that vision document talks about a vision team, it talks about the 21st century, and looks at the
two areas of St Peter Port and St Sampson's to enhance the ... there were preparations for the
3375 vision; they took place in 2012, it was a vision team, they started to formulate their own vision and
they went through a visionary exercise and from that the consolidation came out at the end of
2013.

I think it is fairly clear that what we have got here – and I think Deputy St Pier might have
mentioned it, maybe it was Deputy Trott – is that I think this is a restart of these various processes,
3380 we are trying to get to a different place now. There are some reasonable touches in that vision
document now – whether they are still relevant in 2018 I do not actually know – and there is some
quite scary stuff and big ticket items in there as well. There are a number of things that are not
particularly clear. I do not quite understand why we have had the Retail Strategy of 2013 that
came out in the same year as the vision document – the two do not reconcile. You have got the
3385 Retail Strategy which seems to set retail where it is now, including Market Square and goes down
to effectively The Pollet, yet the vision document, which has got the same map in it as the back of
the May 29th press release, seems to shift everything towards slightly further north and possibly
east as well and encompasses the Harbour as well.

Yes, everything seems to move east, but the objectives which we have been asked to vote on
3390 today, well not really actually, we are just sort of voting ... well I think we are just commenting on
this more than anything, I am not entirely sure I am going to ask some questions, but I think I will
formulate some questions at the end of this mild ramble. The objectives just are not clear. They
are not clear at all.

Normally one would start with, and we have heard in recent speeches, we talk about plans and
3395 strategies, but fundamentally to everything we do, before we ever get to a strategy, before we
ever get to a plan, you have got to have a reason why you are doing things, and it is not
ultimately clear why we have a Harbour Area Action Plan that we have all been asked to adopt
and all of us to vote on.

From that, there are normally a set of deliveries and only then would you have spades in the
3400 ground. Right now I just do not know what this Harbour Area Action Plan is – and I do not think
anyone else in this Assembly really does, to be honest with you. I do not think anyone could say
right now, 'In October 2019 we are going to get spades in the ground. Could anyone actually tell
me one of the three things that are going to happen? No-one actually knows and it is fascinating,
when I move to the actual 29th May press release from the *Ministry of Truth*, it says there is a

3405 political level steering group with members representing the States' committees and there will be
a spade in the ground in 2019. Well it is, what, June 2018 and from then there is going to be a
public consultation, there needs to be a planning development brief, sorry development brief,
agreed and planned. There has to be, I take it, you are either going to have to find money from
the private sector or possibly States' money and we are expecting to have spades in the ground in
3410 2019.

I am – no thank you not right now, Deputy Tindall; you can speak later. I think I need possibly
from Policy & Resources – and maybe Deputy Tindall can help later – it is either a public
consultation or it is not, if you do know what you are doing now please tell us, but if you are
having a very big development planning brief please do not tell us something is going to happen
3415 in 2019 because the only thing that appears to be able to happen in 2019, if it is as visionary as it
claims to be, is moving a few plant pots around.

Thank you, sir.

The Deputy Bailiff: Deputy Green.

3420

Deputy Green: Thank you very much, sir.

Firstly, as Members will be aware, the SMC has already published its letter of comment in
relation to the P&R Plan update and therefore you will be glad to hear, sir, I do not propose to
quote from that verbatim or to repeat the many good points that are set out therein.

3425 I am rather encouraged, sir, by the reaction that we have had since publishing that letter of
comment. The remarks in particular about the approach of both Home Affairs and Education,
Sport & Culture to the PwC Review is of some significance. That was a point we did raise in the
letter, and we were never saying in that letter that the committees are not doing anything, do not
have any plans to embrace the transformation agenda. What we were saying, what we *are* saying,
3430 is that each committee ought to set out publicly, with some precision, their response to the
specifics of the PwC recommendations, yes or no, and to set out their programme on
transformation generally. That is what I think we would like to see in terms of those particular two
committees. We have never been saying that they do not have any intention to save any money,
so that was the nuance.

3435 But, sir, I wanted to amplify two points in this debate and the first point is, I still do not think
that we have a real plan for Government before us, and the second point is that I think there does
need to be much more structured public engagement with the community throughout the
lifespan of this P&R Plan.

3440 So, number one, this is not really a proper plan. A properly prioritised plan, sir, would have
ranked in order of priority the 23 key items within this update, and it would have matched the
core priorities directly with general revenue funding together with timescales. But that is not what
we have. This does not tie up policy priorities directly with resources. The financial matters within
the Plan and within the documentation are not really integrated into the Plan, in my opinion. We
can only hope that with future incarnations of this Plan there will be a more meaningful outline of
3445 future Government activity which is more intricately tied to financial matters.

We also think, sir, that if there is going to be meaningful prioritisation then there needs to be a
list of issues that will not be pursued or funded as well as the ones that will be.

3450 So I am not sure, sir, that this is a real plan, but it needs to become a real plan in due course,
with proper timelines and resources actually matched to the key action points. From some of the
conversations I have had with other Members, including comments from Members of Policy &
Resources, I get the impression that in a sense we are pushing at an open door here.

3455 Sir, secondly, once the Government has its truly prioritised list of action points duly funded,
and I think it would be highly desirable for there to be substantial public consultation on the
priority list to ensure that the public is fully on board with the priorities that have been agreed. So
a greater level of structured engagement with the public on the Plan and on the later reiterations
of it would, in my view, be highly desirable. After all, some of the activities within the 23 priorities

3460 have emerged without a significant amount of prior exposure. I would exemplify that with the Sea Front Enhancement Programme, for example. I think it would be helpful in my view if there was to be an appropriate level of public consultation on such matters before being enacted and the same might apply to other areas of the 23 priorities as well.

Therefore a more tightly drawn and focused plan, a real plan, plus more structured public engagement, in my view, would be welcome.

3465 The final point I make, sir, is one test of this process is whether members of the public feel that this Plan is actually making things better for them and having a real impact in Guernsey society. I think that is one test that we should consider, but the reality unfortunately, sir, is for many Islanders they rather feel that if the P&R Plan did not exist at all it would not actually effect much, if anything, from where we are now. I am not sure that is right but that is a view that is out there, and if that is the case that would be quite an indictment. So I hope the President of Policy & Resources will give the Assembly the benefit of his view on that when he sums up.

3470 Now I would not go as far as Deputy Lester Queripel did when he spoke earlier this afternoon, when he essentially said that we do not need a plan; I do not think that is right, I think we do need a plan, but it needs to be a real plan and that is not what we have here. It needs proper prioritisation of the policy items; 23 items is too many, it needs to be properly ranked into the crucial ones, the really important ones, and the lesser ones of importance and there needs to be
3475 full funding attached to the really key items. If we are moving forwards towards that kind of plan, sir, then I will be very pleased indeed and bring it on.

The Deputy Bailiff: Deputy Langlois.

3480 **Deputy Langlois:** Thank you, sir.

I could not disagree more with Deputy Green about 23 priorities being too many, because 23 just happens to be my lucky number so personally I see it as a very good omen for the remaining two years of this term.

3485 The point I wanted to make was I could give an executive summary; a short one is that we have got an Economic Development Policy included in the priority list, but we do not have a policy on economic growth. That sounds like an esoteric differential but I do not think it is, I think it has actually created a vacuum, not necessarily at the heart of the P&R Plan but an important vacuum nevertheless.

3490 So what tends to happen is we talk of the economy, as Deputy St Pier did in his opening speech, saying we should not be complacent about the economy, we have got to concentrate on diversification and those sort of phrases – a bit like Deputy Trott's 'We are open for business,' they become clichés or platitudes which just keep getting repeated – and the question of 'Why?' is not asked and is not answered.

3495 I think we could have a very interesting debate in this Chamber about economic growth and in particular what the role of Government and the States is in the Island's external and its internal economy. I mean classic Keynesian economics. With classic Keynesian economics, governments step in when the private sector stops borrowing and creates a recession; then the government steps in, borrows money and tries to keep the economy buoyant. But in Guernsey we seem to be talking about the idea that growing the economy should be a priority of the Government, as if that is a permanent role of the Government to grow the economy, as if somehow the Government
3500 are developers.

3505 I think this has created a situation where the Committee *for* Economic Development is floating around a bit. If you look at their mandate it talks about economic enablers and supporting, but the line between actual involvement and simply stepping back from economic growth is not clear, and I do not think one can have an economic development policy without a policy on economic growth.

I mean it is almost a cliché to say an economy has to grow to stand still, but that implies that there is a growth rate which is neutral, which will allow you to stand still. And interestingly I do not

3510 think one could even devise what that is, but as a concept it is quite an interesting concept. It
does mean that one does not have to have growth as an absolute target without being able to
question it and the implications of that growth, and we only seem to actually look at it when we
talk about population. When the subject of population and population growth is raised then
economic growth is quite often mentioned and people will say things like, 'We have got to grow
the population because we need the economic growth,' or *vice versa*. We talk about it in that
3515 context, but no more than that because I think economic growth, especially on a small Island like
this where you do have the remnants of an internal economy but it is totally dominated by an
external economy ... I think it would be a really worthwhile debate and I think it would make the
P&R Plan more three dimensional than it is if we actually had what I think would be a very
interesting debate about that.

3520 I do not want to have the debate now so I am not going to say much more, but I just really
would encourage P&R or the Committee *for* Economic Development or both together to maybe
put something together so that we could actually have, as I said, what I think would be an
interesting and quite cathartic debate about economic development in the context of this small
Island in 2018.

3525 Thank you, sir.

The Deputy Bailiff: Deputy Paint.

3530 **Deputy Paint:** Sir, I would like to talk about a specific subject and a sub-subject on this and it
comes under the title 'Energy' in the Billet. The specific thing I would like to talk about would be
the importation of hydrocarbons.

When I was a pilot and – a marine pilot, that is – before I became a Deputy, we were told at
that time that in future years Europe and Britain would stop us from loading cargoes while the
ships were laying aground, while the tankers were laying aground. So in all good faith I went to
3535 see the Harbour Master at the time and asked him several questions about how it could be done. I
will speak about that later. But what I find is a huge great problem with what has been proposed
and changed and what is being proposed now, in my opinion Environment & Infrastructure and
their consultants have failed to ensure that the plans covered fundamental issues concerning the
future and possible construction of facilities to import hydrocarbons.

3540 Environment & Infrastructure and their consultants have not attempted to address the
direction which Guernsey and the Bailiwick most likely will be going with regard to future energy
and power requirement. I believe that it will be electricity.

We are now importing electricity from mainland France via Jersey. In a few years' time a new
electricity cable, all being well, will be due to link Guernsey to mainland France directly – further
3545 enabling the Island to be less reliant on hydrocarbon fuels.

Fossil fuels will however still have to be imported for many years to come to enable aircraft of
all kinds to be able to refuel on the Island, to operate heavy and light machinery, for fishing boats,
private boats, the yachts, central heating in the homes and workplaces, and also to run our power
stations in the event that power from the two cables from France fail.

3550 Environment & Infrastructure and their servants have failed to inform the Assembly of the
reasons that they thought that it was necessary to employ expensive consultants to oversee a
project that may have been totally unnecessary if the full background and information had been
provided.

3555 It has been suggested in the past, and which I first heard of in the mid-90's, that both UK and
Europe would at some time in the future stop all fuel oil and gas tankers whilst discharging their
vessels whilst laying aground. It should be pointed out here that they have done this in Guernsey
for many years, perhaps 70 years or so. This suggestion that the UK and Europe would stop us
doing this, in fact turned out to be false and importantly consultants have stated that in their
report, saying that they could find no evidence that this was the case.

3560 The President of Environment & Infrastructure Committee has admitted this in his report to this Assembly in 1917. So why are we doing it? Why are we still looking at a project that is not necessary? Surely the Members of Environment & Infrastructure Committee and their servants, more importantly, should have known that this was not fact, it was just fiction, and if they did not know, if not, why not?

3565 Environment & Infrastructure Committee also stated that it is possible that refineries may cease to load our tankers destined for the Bailiwick due to the fact the tankers were discharging cargoes whilst lying aground. No evidence has been produced to confirm or deny that fact. One must ask if this is just another figment of somebody's imagination.

3570 In 2008 there was an incident where Guernsey was becoming very low on fuel oil, the Island only had 400 tonnes of fuel in their tanks, in all the company's tanks. This I think is a reason why – and I only think this matter was looked at then. Hence the failed attempt previous to that to build an outside harbour as St Sampson's. The outside harbour, the float testing and everything that came with this outside harbour at St Sampson's cost in the region of £500,000 and was a total failure.

3575 Now going back to this tanker, the reason the tanker was loading, I am sure it was one of our tankers, *The Sarnia Cherie* or *The Sarnia Liberty*, it was such a long time ago I cannot remember, this was 2008 after I was elected to this Assembly – the tanker arrived here under the right drafts for normally coming into the Harbour and that was a half a metre under keel clearance to be able to move into the port, discharge and move out again, obviously by discharging it came up it had about 1,200 tonnes of fuel on board. It was either very near to Guernsey when we were told as pilots that the under keel clearance had changed from half a metre to a metre, so this meant that the ship could not come into port it was not physically possible to bring it into port with the extra half metre clearance and that was 800 tonnes of fuel approximately.

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3585 Now I was in, I think, an environment meeting when a lady came in, a civil servant, and if I remember right, her name was [inaudible] I think she is married now and I do not know if she is still a civil servant – asking me if I would come to an emergency meeting of the emergency committee. I went out straight away and I was asked then why wouldn't I bring this tanker in? Now I was still a pilot. I had to wait as a pilot to get out of the business, if you like; you have to find your own relief which is acceptable to all the others. So I explained exactly what I told you before.

3590 The Committee asked me if I was prepared to speak to the Harbour Master the next morning. I said I would of course, so we met at eight o'clock. The Harbour Master came in for the meeting in a little room at Frossard House and said, 'What is the problem?' so I laid it out that an official in the Harbour office had changed the under keel clearance of the ship when she was very near to arriving, or had arrived already, and he said, 'Well, change it back to half a metre.' So I changed it back to half a metre and I left the Town and went and brought this ship in without a problem – without a problem.

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3600 Now it was fair comment that it could have given a problem if we had not been able to change the under keel clearance, so a contingency plan was made that if any incident stops fuel coming in to the Island it would in fact be able to be imported through St Peter Port via trucks. That contingency plan is still able to be used today. In fact one of the new fuel companies in this Island is using that exact method with oil tankers and also Iso tanks. So there is not a problem.

3605 Now a little while later – I think it was 25th July 2017 – I, with many others, went to a presentation workshop at, I think it was, the Cotils where consultants laid down a load of stuff that was really absolutely nothing to do, or very little to do, with what we were looking at. It was just unbelievable. Several very important things were omitted from the presentation which would have influenced the various sections of opinions of the delegates and there were many delegates and I know some of the Deputies were there. We were not told the location of the proposed fuelling berth and liner discharging point that would have been – we were not told a location and the location –

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Deputy Hansmann Rouxel: Point of correction.

The Deputy Bailiff: Point of correction, Deputy Hansmann Rouxel.

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Deputy Hansmann Rouxel: Regarding the location of the fuel berths, there is no proposal *yet*. That is the entire object of looking at the hydrocarbons supply chain. All of this information ... I appreciate that Deputy Paint has some valuable insight on one specific area of the hydrocarbons supply which is the not afloat berth boats, however, yes it is much broader and unfortunately the picture that Deputy Paint is inadvertently painting of that consultation is that it was looking at the broader picture including the fuel supply and whether hydrocarbons would dip in favour of electricity, which Deputy Paint also referred to earlier.

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The Deputy Bailiff: Deputy Paint to continue.

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Deputy Paint: I thank the Deputy for her input. But I do not think she has much knowledge of the sea. I have to say that. Where you put a pier, if you put a liner pier as well as a fuel pier it is harder to get ships alongside that; they will not anchor there if it is bad weather, they just won't. They just can't. –

3630

Go on then.

Deputy de Sausmarez: Is Deputy Paint giving way?

Deputy Paint: I did say, 'Go on then'.

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Deputy de Sausmarez: Okay. You are still standing. (*Interjection*)

Deputy Paint: Yes, go on, I am giving way.

3640

The Deputy Bailiff: Deputy Paint, it is not really for me to interrupt at this point, but it is not really the right way to go about things just to say, 'Go on then'. (*Interjections*) Giving way to a Deputy should be done formally and you should resume your seat whilst the Deputy is speaking. (**A Member:** Hear, hear.) So can you sit down please.

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Deputy Paint: Thank you for the correction, sir. I give way.

Deputy de Sausmarez: I thank Deputy Paint for giving way.

The point of correction that Deputy Hansmann Rouxel made was about the process and knowledge of the sea does not come into that.

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Deputy Hansmann Rouxel was explaining what the process at that consultation was and she was quite correct to state that there were no proposals, what was being done at that point was looking at things like critical success factors. So Deputy Hansmann Rouxel's point of correction was completely accurate and I think the two points are passing, if you do not mind the idiom, like ships in the night, because they are not related to the same thing.

3655

Thank you.

Deputy Paint: I thank you for the explanation, but that was not resolving anything.

Without people knowing exactly what they were talking about and half of the people did not know there, and I will get on to that a little bit later if you will excuse me because I have got it.

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There were nine proposals put up but none of the costs were actually put into it, so I believe that the one that was chosen by most people at the time was to build a quay somewhere; we do not know where, we did not know the costs at the time but it turned out to be in excess of £900

million. Now if this figure had been presented then surely there would have been a different vote. We all know that we could not possibly afford that sort of money.

3665 I have to tell you what my conclusion, and not only mine, was generally in the whole aspect of the workshop, generally in life if we have a project or something else that needs to start right, it needs to start correctly because there is much less risk there. If it starts correctly then it will end correctly. This has not happened with hydrocarbons; as I have said, you had people there with huge knowledge of the sea and actually operating tankers and ships around here.

3670 In my opinion, again some of the speakers had no background knowledge of any technical maritime data that was very necessary to make sure that you had the right decision. I actually have to say that in my opinion some of the delegates did not know what they were talking about. I honestly do.

3675 It would be fair to say it is a minefield and without looking at every aspect of it, including the price, you are not going to get where you want to and you can do all you like, madam. There were four master mariners there all with qualifications – *high* qualifications – on worldwide ships that attended that workshop. All of them had vast experience of these waters and the importation of fossil fuels. They were not listened to, they were not even asked in some cases, and one even tried to explain – the way the Deputy has just stood up and she would not listen. One of the master mariners actually stated that he would never ever attend a workshop like this again, and I am sure the other three would not either.

3680 So we have got a situation now where we have knowledge, huge knowledge of the Island but the authorities just do not want to listen.

3685 **Deputy Brehaut:** Just on a point of clarification, sir.

The Deputy Bailiff: Deputy Brehaut you cannot have a point of clarification, you can have a point of correction or a point of order.

3690 **Deputy Brehaut:** Point of correction, I do beg your pardon. Point of correction.

The Deputy Bailiff: Point of correction, Deputy Brehaut. So sit down please, Deputy Paint.

3695 **Deputy Brehaut:** This entire process is ongoing consultation, it has not reached a conclusion, it has not reached an end. We could come to this Assembly with proposals to continue the current arrangement. Deputy Paint is framing this whole argument that we have arrived at a conclusion having ignored the public, mariners and the pilots and we only have advice towards the consultants. That is not the case. We have not reached a conclusion; that is for the Assembly to do with the evidence in front of it. It is quite wrong to say all parties have been ignored and we are doggedly pursuing a path and not listening to people; that is just not the case.

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The Deputy Bailiff: Deputy Paint to continue.

3705 **Deputy Paint:** Sir, I thank the Deputy for his explanation of this, but I cannot agree with him. Most of the delegates had a vote. They were not given the information so they voted for the gold plated option which would cost in excess of £900 million. They did vote for it. That was for a fuel and liner berth.

3710 As I said at the end of the workshop, the building costs of the liner and tanker berth which could have only been used by, at the maximum, two ships would have been in excess of £900,000. The workshop was a complete waste of time and expense.

Following the revelation of the estimated cost, the Environment & Infrastructure quickly changed to what I understand now, although we have had no confirmation, is the choice of four marine buoys. Hmm, that is interesting, but there will be no input, there will be no consultation as

3715 far as I know; nothing has come out. There are technicalities with this but no technical information has been given regarding the hazards they will have to overcome.

At this workshop there was a representative from a tanker owner. Times have changed in the past, I have to admit that, in many ways; ships have become better and safer, approaches are just the same as what they were before, but you have very skilled people bringing ships in. The representative of the tanker owner company who was very clearly stating that he saw no problems with bringing his tankers into the port – into our port, St Sampson's Harbour, as things were at the time.

3720 Sir, I just despair. I just despair that we are doing things and spending huge amounts of money when it is not necessary – money that could be perhaps given to Deputy Heidi Soulsby for pills for people with leukaemia and all that sort of thing. All we have to do is: not change a proven system of importing fuel; have a plan in place in case there are events that are unforeseen that might change the situation, which you already have with a contingency plan; ensure that storage capacity will keep Guernsey safely within limits of what we use in fuel; ensure that the importers of HFO, LFO and LPG are prepared for any future event that may restrict the supply; research if there are any small tanker companies that would be willing to deliver fuel to our port; continually monitor all aspects of the supplies of heavy fuel oil, light fuel oil, and light petroleum gas. Do not waste taxpayers' money and ram those plans that are not necessary to do.

3730 To me this has been a vain, ill-thought-out enterprise that should not be a priority, but as a genuine person that loves this Island and whose family has lived here for centuries, I am willing, I will concede to let the Environment & Infrastructure continue until we reach the plan, the policy and then if they cannot find solutions for what I have stated I am afraid I will continue the fight.

3735 Thank you, sir.

The Deputy Bailiff: Deputy Soulsby.

3740 **Deputy Soulsby:** Sir, well I guess after that I should see if I can possibly pour oil all over troubled waters, and what better way to do that than to talk about health and social care. No, I do not mean a bid for £900 million, tempting as it might be – well not yet anyway.

I am not going to repeat all the aspects that relate to health and social care in the Plan, but there are a few overarching comments I wish to make.

3745 Firstly, as we showed during the Scrutiny Management Committee hearing and as I am happy to repeat, Health & Social Care is making transformation real, the Committee is making good progress against its 2018 priorities. We have developed the client team to enable us to monitor the secondary health care contract which will develop as we build the foundations of the Partnership of Purpose. We are increasing the capability and capacity of the Health Intelligence Unit to support our health needs assessments – the first on older people currently in progress. 3750 The Health Improvement Commission has been set up in shadow form and service level agreement put in place. We plan to identify the principle community hub by the end of the month with a move early in 2019. Work is underway on improving the IT infrastructure with the local area network project having begun and initial work being undertaken on the upgrade of track software – both will be real enablers to true transformation. Work to re-profile the PEH is actively underway and we expect an outline business case by September. A policy letter setting out proposals for a new regulatory regime will be presented to the Assembly by the end of the year. And the autism hub is being developed; and consultation on the new capacity legislation is expected to begin in quarter four. Added to the above is joint working with ESS over funding of long-term care as well 3755 as primary care. So real progress is being made.

3760 However, the Committee is really concerned how the pressure on the budget with a significant reduction for this year and potential for more than a million pounds to be cut for next year will impact on the work we can do. The impact of demand on the service early this year means a significant restriction on our ability to reinvest from the efficiencies we have made. It means that we will need to try and apply to the Transformation and Transition Fund to support our re- 3765

ablement project that will see improvements in community services, reduce the need for people to go to hospital and make it easier for them to return to the community when they are ready. Here we are not talking about 'gold plating' – to use an analogy of the P&R President earlier on in opening the debate.

3770 It is important that we maintain momentum, because if we do not it will only make the pressures we face worse, and we will only be able to maintain momentum with the support of other committees. I suppose that is what disappoints me about the Plan: whilst we have 23 priorities it really is still a group of plans that are not very joined up. Each committee owns various policy priorities but each focuses on its favourites, and we see that with the Partnership of Purpose. Not one committee, apart from Health & Social Care obviously, has mentioned it as a priority heading in their introductions; P&R include 14 headings but not HSC transformation.

3775 I do welcome Deputy Stephens' speech, however, which did reference the work being done cross committee in terms of corporate parenting in particular which HSC does lead. Only ESS mentions it and that is just in the body of the text. Now that is a concern because if the officers have not thought about it when putting their respective committee submissions together will they think about prioritising it in their resource planning as per Resolution.

3780 So whilst I think the Plan has merits I do think greater thought is needed so it will turn what is very much an academic exercise two years into this term into something that results in more joined up working.

3785 **The Deputy Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, we have much to smile about but we have nothing to be complacent about. Now I voted for every single amendment, I am going to vote for the Plan, I would have voted for the amendment that was not debated.

3790 So I recognise, as Deputy Roffey does, that we need some kind of plan. It should never, though, be a strait jacket. It is not a thing of beauty. When we breathe our last breath or close our eyes for the last time we are not going to remember the wonderful work that is the Policy & Resource Plan debated by the States of Guernsey on 5th June 2018. It is a functional document, as it should be.

3795 Now what I would say in relation to this is that we have good economic news today, but if anybody thinks in their wildest dreams that we have turned the economic corner then they are having a sweet dream rather than a realistic dream. Also of course we accept that this can never be a strait jacket, we will always have our own pet projects. We will always have things that we think should be an exception to the Policy & Resource Plan.

3800 Indeed the President of Policy & Resources and the Vice-President of Policy & Resources very much put forward something that would have made a significant adjustment ... that would have needed a significant adjustment to this Policy & Resource Plan – something that was never costed out, never timed, and we had no idea what resources it would need. But that was thought to be proper in accordance with good governance by the President and Vice-President of the Policy & Resources Committee. Whether you think, Members – whether the States think, I should say – as Members of the Assembly that that is good governance, I would doubt; it depends which view they might take.

3805 But we are in a position whereby we had £37 million more revenue last year than we expected, and of course that is wonderful news, over £22 million from ETI, over £10 million from companies and four point something million pounds additional income from Document Duty. One cannot sniff at that, and also we have other good economic factors.

3810 And it gets a point that Deputy Fallaize was making in a different context earlier this afternoon when he was talking about, 'Well, of course you can have all you want really' – this is what he was saying, he was talking about health – 'But you have got to change your tax base.' Now Deputy Fallaize is one of those gifted people that can paint a verbal picture with words, but I think he ran out of paint this afternoon because he did not finish the picture, because he did not tell you what

his conclusion was, he did not offer an opinion. That is one of the wonderful abilities that as a consummate politician Deputy Fallaize has; he often says things, leaves us waiting for the conclusion, but because he has got that ability, takes us of into a siding and we never hear the conclusion. So I am waiting for him to finish the painting in the due passage of time.

But what we have to realise is that this Plan and most of the amendments relate to form rather than substance. There are very few of these amendments, if any, which talk about how we are going to energise the economy.

Deputy Langlois made a good point in a very good and brief speech when he said we need to have an economic debate – what is the role of Government in economics? – should it be my phrase but not his, but I think it is implicit in what he said, should it be a prime pumper, should it set the seed, should it intervene? Well as he rightly said, that is a debate for another day, but the answer is Government should do all of those things in a form. As to the form, it depends on circumstances. What the Government should be doing at the moment where it will encourage revenue, where it will bring in more revenue is making Guernsey a better place to do business.

I have got to say these 23 key policy areas – and whether it is Deputy Langlois' lucky number or not, if he was Chinese it might be eight, if it was something else it might be 32 – whether they are the right number I know not, but we know that we are not going to achieve conclusion on very many, if any, of these 23 policy key areas over the next two years.

That is really what people care about, they do not care about whether we have all this monitoring process, about whether we are going to see how far we have got with policy x and policy y; they care about if they have got an elderly relative who needs care that that person is fed, washed and looked after; they care if they have got children of school age or if they are grandparents who have got grandchildren of school age, that those children are going to be properly educated in a good education system; they care that there is going to be a good health system for them to go to hospital and receive the benefits that they need and the treatment that they need.

The point that Deputy Fallaize also made, he said, 'Well, if you are in England you pay more tax, if you are in the Isle of Man you pay more tax, and if you are in Jersey you have GST.' Just a minor point of correction of course you have GST in Jersey but also you do not start paying Income Tax until you have earned a fair bit more than you earn in Guernsey, and the average Jersey taxpayer, well actually, their tax burden is less than the Guernsey burden, overall taking into account GST which of course is 5% on lots of things, not quite everything. So it is not quite the picture that Deputy Fallaize – he was sort of 7 out of 10 accurate rather than 10 out of 10 accurate.

But what concerns me – and it is yet again another point that concerns me – is the point that Deputy Inder made. Now I can say, without exception of anybody in this room, I have more practical experience of dealing with planning matters than anybody else in this room. I have been dealing with them since 1981, I have dealt with every planning inquiry, I have represented literally hundreds of people, I have advised thousands of people in connection with planning matters over the years, and I still do.

So if we think and it appears in the statement made by the DPA as one of the appendices to this Policy & Resource Plan that we have a chance of having a spade in the ground or a digger in the ground by October of next year in connection with the Harbour area, it is dreamland. It is the Everly Brothers' song; it is 'Dream, Dream, Dream'. It is just not going to happen. We do not move that quickly. I think I always commend bravery; it is not a quality I possess much of, but I commend bravery. I commend the bravery of Deputy Trott and Deputy St Pier as St Sampson's Deputies who voted against – on a procedural basis – allowing a debate on the infrastructure for the north of the Island that, as Deputy Meerveld said, was promoted and he asked me to second it, I was delighted to do so as a non-northern Deputy to look at the infrastructure in connection with the northern part of the Island. Very brave of them to prevent that being debated and I am sure their voters if they stand for election in 2020 will remember that; if not, I may remind them.

3870 But in connection with the infrastructure, I can remember and I remember Deputy Trott standing on a platform saying, 'We are not going to have any more development in the Delancey Conservation area, the infrastructure is not good enough, look at the road surface.' Deputy St Pier was there. I was there as an observer, and I walked round with all the people, and we have got to do practical things.

3875 I am not going to give way, so I will not stop. If Deputy Trott wants to get up and ask me to give way I am not going to do that. I am not going to give way to Deputy Brehaut either – Oh, he is going. He has heard enough! (*Interjections and laughter*) I do not blame him.

But in connection with that we have got to do practical things for people.

3880 Again I talked about the beauty, or lack of it, of this document Policy & Resource Plan we passed and I voted for it. We passed the Island Development Plan and that has been in operation now for a period of time, but things have changed and in connection with the north of the Island, unless I am absolutely wrong and I have got no inside knowledge, but unless I am absolutely wrong, St Sampson's will be one of the two schools. That means it is going to increase by 600 or 700 pupils. Its size is going to increase the infrastructure needs to support another x number of parents bringing their children to and from school – all of that. That is going to happen. That is going to have a vast draw on the resources and the infrastructure of that area.

3885 What we also said in the IDP and that was not envisaged. I do not think anyway, at the time the IDP was debated and then enacted. So that is a real curve ball. That is a real addition to what we thought when we were debating that and implementing it. We also said – and it has been said for donkeys years – that we want lots of development or need lots of development down in that part of the Island, and indeed looking at, again, the appendices, this time from both the DPA and from Environment & Infrastructure, is talking about affordable housing, making sure you achieve it, getting it done. Well if it is going to be got done without any significant amendment to the IDP it is going to take place in the north of the Island. Now how are we going to do that, where are the cars going to travel to, where are the people going to live, and what effect will it have on the people who live in the north of the Island?

3895 My family has been in Guernsey for hundreds of years and my grandfather and my great grandfather built quite a lot of granite walls and granite buildings all over the Island, including in the north of the Island, when they were the real masons, not freemasons, but the stonemasons and they built property down in that part of the Island.

3900 Now in connection with that, we do not want people living in ghettos. We want people having good quality life and when I walked round that Saturday afternoon with Deputy Trott, he was marching forward, leading the – (*Interjection*) When he was doing that I was impressed because I thought how on earth can you have any significant development in that particular area because the roads were too narrow, there just would not be the infrastructure?

3905 What I am also concerned about. We talk about our success –

Deputy Trott: Sir, I genuinely believe that Deputy Ferbrache is misleading this Assembly.

3910 **The Deputy Bailiff:** Deputy Trott.

Deputy Ferbrache: Is it a point of correction?

The Deputy Bailiff: Point of correction.

3915 **Deputy Ferbrache:** Then I will sit down –

Deputy Trott: He is misleading the Assembly, sir, because he is insinuating that his years of planning experience mean he can somehow or other not present the facts appropriately. (*Interjection*) Whether it is to be a school or a significant housing development, there will need to be traffic impact assessments; there will need to be environmental impact assessments; there is a

whole process of assessments that need to be undertaken. The amendment that he and Deputy Meerveld *unsuccessfully* placed, because it was littered with procedural problems, would not have changed that one iota.

3925 **The Deputy Bailiff:** Deputy Ferbrache to continue.

Deputy Ferbrache: Oh dear, I have obviously tweaked a tail.

3930 But in connection with that, I know, sir, everything that Deputy Trott has said, because I know the process. I am very grateful to him for telling the public but he is not telling me something that I do not know. But if we are going to do all of those things we will not be doing them in the next 12-18 months because it takes a heck of a long time for it to go from here to there and we are not really even at the starting line in relation to a lot of these particular matters.

3935 Also we hear – I may have got this wrong and if so I apologise – I think the latest statement from the Education Department is that we will hear something starting in October, whether that is just that the two schools are going to be, as I now suspect they will be, I may be wrong, St Sampson's and Beaucamps. I may be wrong and I have got no inside knowledge but then I would hope also if they cannot do it then they can do it as soon as reasonably possible thereafter, and within a narrow timeframe to say we need – it is going to cost £100 million, the revenue costs are £50 million. Again I am just making these figures up, they are not accurate. They are lower, Deputy
3940 Fallaize said. Well I am grateful for that, but whatever the figures are and I do not mean that to be any kind of indicative figure at all, we need to know that because that is going to impact upon this.

Where Deputy Roffey is right and I commend – I sincerely commend – the efforts of Deputy Soulsby and her team in the last two years, they have done an excellent job, but they can only
3945 contain costs so far, and I know they would not compromise treatment with cost. They will eventually say, 'Look, we have done as much as we can. It is now going to cost more.' Now again I have no inside knowledge but I would be very surprised if we are not pretty close to that point.

Deputy Roffey is right, the last thing we want is to say to somebody, 'Well, if you were in Folkestone or if you were in St Helier you could have this drug which will either ease your
3950 condition or help the quality of your life, whatever the period of life that may be – it may only be three to six months, but you cannot have it because you are in St Peter Port, and you have not got private insurance so you cannot have it.

Now whether it is £4 million or £2 million or whatever million it is some million, and I think we are probably going to go somewhere along that line, and Deputy Lowe has also said, and again it
3955 is alluded to in the document, the Policy & Resource Plan; it is very difficult to contain costs beyond a certain time, you can only do it for a certain time, and I would be very surprised if Home Affairs, I would be very surprised if Education, I would be very surprised if Health, can contain costs. I want them to do their best and I have got confidence in all three Presidents and their committees, so it is not a criticism – but I would be very surprised if in the long term they could
3960 contain costs. What I want them to do – and I have got confidence they will do it – is to ensure that money is not wasted. That every penny that can be is properly spent, but those pounds and pennies may be more than we are currently spending.

So that is what I would like and when we talk about our economy and I know you cannot take everything from taxi drivers, but one of my legal colleagues at the legal practice at which I am a
3965 consultant has been to Jersey three times recently so he has had six different taxi drivers and those six different taxi drivers surprisingly have all told the same story which is that Jersey is booming, Jersey is absolutely booming, and the reason they are booming, and they have all said the same thing to him and I am sure he is telling me the truth, is because they took an innovative view some years ago to bring in EasyJet – they had to subsidise it – they took a view and that has
3970 meant now that people can travel to and from Jersey much more cheaply, and indeed I read in *The Guernsey Press* today an article by a gentleman where he said this:

Many in the States do not need to think twice when they book a plane ticket but for those out there in the real world people are increasingly trapped in the Island.

3975 And to spend £150-£200, it is no criticism again of Aurigny – I am not criticising Aurigny it is not a smack at Aurigny or anybody else – but it does cost a lot to get on and off of Guernsey and that is an issue that we will need to address. And frankly again, without delving too much into the economic debate that Deputy Langlois quite rightly says we should have on another day, what we should have is the Government is going to have to spend some money to prime that pump. How much it is, and what it does, and how it does it is a different matter.

3980 Now Deputy Fallaize is right again: not his words but it is summarising what he said. You cannot squeeze a quart into a pint pot, and we are trying to do that with our tax system at the moment. So we have got to be honest with the people of the Bailiwick of Guernsey and say we can only do this if you want us to have this kind of tax structure. If you want us to do more it is going to cost you more. The *quid pro quo* for that is that they are going to want us to tell them that we are activating Government efficiently, that we have got little or no waste, and when we do find waste we are going to root it out. That is what they expect of us.

3985 Now whether we should have done in the first two years and did not, I do not know whether it is his fault, her fault, their fault; it is irrelevant, it is the old song, yesterday has just department, tomorrow has not yet started, we have got to be looking forward – I dare say Deputy Lester Queripel knows more about that, and we built a bridge over troubled waters between us recently, but we have to look forward and we have to say, 'What are we going to do as a Government?' We are not going to be able to achieve these 23 objects, as meritorious as they all are, and there could be another 23 that are almost as meritorious. So we have to say to the public this is what we intend to do and this is how we are going to do it, and it will mean more money spent on lots of good things. But as Deputy Prow said, when I look at this debate and the one hour 17 minutes we had on the topic the Deputy Bailiff tried vainly to say, 'Anybody going to oppose this? Anybody got contrary views?' but people still spoke for a total of an hour and 17 minutes on a particular issue that was then passed unanimously. What they want us to do is come up with concrete proposals, not with just more, we have got to have monitoring for this, we have got to have monitoring for that, because at the moment we are monitoring nothing, because we are not making enough progress on enough issues.

4000 So enough from me. As I say, we have much to smile about in Guernsey, but we have many difficult decisions to take and undertake and we have many troubled waters to negotiate over the next two years and beyond. So as I say, I am going to vote for this amended policy letter and I commend everybody for their considerable effort because there obviously has been considerable effort but we have to be realistic as to what we can achieve.

Procedural

4005 **The Deputy Bailiff:** Well, Members of the States, it is now gone 5.30 p.m. and therefore we will adjourn overnight.

4010 Can I remind you of two things please before we do? The first is that at 9.30 a.m. tomorrow it will not be the States of Deliberation meeting but the States of Election because the States of Election have been convened, so please can you take everything with you on the basis that you might not be in the same seat depending on where you are directed to sit tomorrow.

4015 So we will adjourn this special meeting, to deal with the Policy & Resource Plan (2017 Review and 2018 Update) immediately following the States of Election and then the ordinary meeting that is convened from 9.30 a.m. tomorrow morning to follow the States of Election will follow that.

4015 At the end of business tomorrow or at 5.30 p.m., whichever is the appropriate time, the Annual General Meeting of the Guernsey Branch of the Commonwealth Parliamentary Association is taking place. I would encourage as many of you as wants to, and are able to, to make

4020 arrangements to stay for it. We do have a guest who will be speaking to you afterwards who is Sir Lindsay Hoyle who is the Chairman of Ways and Means, the Deputy Speaker in the House of Commons. So I would encourage as many of you as possible to attend that, because I am sure it will be fascinating.

So with that, Greffier, we will close the meeting today please.

The Assembly adjourned at 5.41 p.m.