



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 25th September 2019

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Present:

Sir Richard J. Collas, Kt, Bailiff and 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, R. H. Tooley

St Peter Port North

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

St Sampson

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, L. B. Queripel,
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, D. de G. de Lisle, S. L. Langlois

The South-East

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

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

The Clerk to the States of Deliberation

C. Foster (H.M. Deputy Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur);
Deputy L. S. Trott (*absent de l'île*); Deputy J. C. S. F. Smithies (*absent de l'île*);
Deputy A. C. Dudley-Owen (*absent de l'île*); Deputy E. A. McSwiggan (*absent de l'île*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: Billet d'État XVIII. To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at The Royal Court House on Wednesday, 25th September, 2019 at 9.30 a.m., to consider the items listed in this Billet d'État which have been submitted for debate.

STATEMENTS

Brexit, the UK political situation and Guernsey's constitutional resilience – Statement by the President of the Policy & Resources Committee

5 **The Bailiff:** Well, Members of the States of Deliberation, good morning to you all.

We start this morning with Statements, and first of all a Statement from the President of the Policy & Resources Committee on Brexit, the UK political situation and Guernsey's constitutional resilience.

Deputy St Pier.

10

Deputy St Pier: Thank you, sir, and this Statement is being audio-streamed as well.

Sir, thank you for allowing me to make this Statement to update, to the extent possible, on political developments in the UK in relation to Brexit as they might impact Guernsey.

15 When I made a general update statement to the Assembly earlier this month, I talked about events evolving rapidly in the UK and advised that I had written to the United Kingdom's new Prime Minister to remind him of the Bailiwick's long-established constitutional relationship with the Crown, the positive working relationship with the UK government during the Brexit process to date and Guernsey's position remained that a disorderly UK exit from the EU would not be in our interests.

20 As Members may be aware, the Prime Minister has now replied, and said that he wanted, in his words:

To be clear that the UK Government appreciates the special relationship that the UK has with the Crown Dependencies.

Characterising it as a:

Deep historical relationship in which we work collaboratively together on matters of mutual interest.

We have been consistent and clear that the UK Parliament does not legislate for Guernsey without our consent on domestic matters, including in regard to registers of beneficial ownership, and I welcome Mr Johnson's reaffirmation of the UK government's – again in his own words – 'unambiguous stance' in supporting us in that regard.

That the Prime Minister welcomed our recent joint statement with Jersey and the Isle of Man, laying out a step-by-step action plan to move to public registers of beneficial ownership, in line with the EU's 5th Anti-Money Laundering Directive, adding his view, correctly, that it underlines our commitment to the fight against financial crime.

Mr Johnson also provided further confirmation that the UK government will continue to take our interests into account during the Brexit process and beyond. It was heartening to read that, despite the current uncertainty in UK politics, Her Majesty's Government wants to strengthen further our already close working relationship in future.

Seeking these commitments was the purpose of the letter and getting these in writing, following the change in Prime Minister, is significant, given the departure from a Brexit approach that was policy just a few months ago. And while I fully understood and expected that the Prime Minister's current diary commitments would make a meeting in the short-term highly unlikely, as the old adage goes: if you don't ask you don't get.

Sir, the current political situation in the UK is unprecedented. It is turbulent, uncertain and its institutions are clearly highly stressed. Members will no doubt have followed closely developments surrounding the UK Parliament's prorogation and yesterday's ruling of the Supreme Court that it was unlawful. Not in any of our lifetimes have so many been talking about complexities and nuances of the British constitution.

It is also party conference season. Those conferences form part of our ongoing engagement with UK politicians, so I attended the Labour Party Conference earlier this week, and Deputy Trott is to represent the Island at the Conservative Party Conference next week, assuming it proceeds.

The political parties are using their conferences as an opportunity to crystallise and clarify further their positions on Brexit and the approach being taken by the UK government. In part that is inevitable, as the UK's Brexit deadline of 31st October looms ever nearer, and in part it is, of course, in readiness for what currently seems like an inevitable general election. The decisions made at these conferences will shape the election and it is important that we are able to prepare for the impact of a potential change of UK government and what that could bring.

While facing seemingly daily twists and turns in UK domestic politics, the UK government has continued its discussions with the EU to try and find a Brexit solution that would avoid a no-deal exit. As we have said many times before, our position remains that a disorderly exit is not in the Bailiwick's interests – and we unashamedly lose no opportunity to communicate that message to everyone and anyone who will listen. However, as a responsible Government we must, of course, continue to plan for all scenarios.

Discussions with colleagues in Her Majesty's Government are continuing apace to extend the territorial scope of the UK's membership of the World Trade Organization to include the Bailiwick. The Secretary of State for International Trade has agreed to the extension, and officers have been meeting regularly with colleagues from the Department for International Trade to ensure all necessary steps are taken so that the extension is in place if and when the UK becomes an independently represented member of the WTO upon any exit day. To date, this is a complex and technical undertaking but I am confident that we are nearly there.

Moving now from trade to people, our EU Settlement Scheme provides a mechanism to secure the immigration rights of EU citizens, and their families, living in the Bailiwick on exit day if they apply through the process.

This is a free scheme and provides certainty for residents and businesses, and I would take this opportunity to remind EU citizens living in the Bailiwick to contact the Guernsey Border Agency

who can guide them through the process. It is important that there is no doubt about our commitment to respect the rights of EU nationals resident in Guernsey on exit day.

75 We have been ramping up our no-deal preparations recently. Operational structures originally put in place earlier this year have been re-established to ensure cross-government and key external stakeholders' engagement on no-deal plans. This has benefited from the huge amount of planning that occurred before the original March leave date, but has involved reviewing and updating plans factoring in changes to both the political landscape but also the different season of the year, as the year moves on. The Brexit Transition Group is meeting every other week to provide political input and direction, with no-deal oversight also provided by the Civil Contingencies Authority, which will meet regularly in the lead up to the 31st October and immediately following exit.

The UK has also stepped up its engagement with us in recent weeks. We have daily contact with departments across Whitehall and meet with colleagues once a week.

85 The official UK position remains that it is working towards a deal. However, it is clear that at department level a significant amount of focus is also on no-deal planning. I will attend the next Chief Ministers' quarterly meeting in early October with James Duddridge, Minister at the Department for Exiting the European Union, and I expect this to cover a wide spectrum of no-deal planning, but also further discussion on the UK's position on future trade.

90 Ensuring the continued supply of essential goods, including medicines and medical supplies, remains a key element of our no-deal contingency planning. We continue to work closely with the UK Department of Health and Social Care, and have received political assurances, including this week, that we are included in their multi-layered plans to ensure that health services have uninterrupted access to the medical products needed. Advice from the UK has been that stockpiling medicines is neither needed nor helpful. However, where practicable the Committee for Health & Social Care is bolstering on-Island resilience for medical supplies and consumables – for the avoidance of doubt these products are not medicines. I hope that we will have a meeting with the relevant minister in the next few weeks.

100 We are currently updating all our Brexit-related content on the States' website and will be relaunching the new pages in the coming weeks.

This will include an updated no-deal guide for the community. We have already issued updated guidance for businesses. The flow of information and co-operative approach between the UK and Guernsey is good, and is ensuring that we are as well placed as we can be to face the potential challenges of a no-deal exit.

105 Sir, notwithstanding our no-deal preparations we must also remember that the present UK government's preference is to leave the EU at 11 p.m. on 31st October with a deal. As such, we must plan for a scenario where a withdrawal agreement is approved at the European Council in mid-October, with the UK then seeking ratification through Parliament by 31st October. Should this occur, my Committee's intention would be to put a parliamentary approved and agreed withdrawal agreement and political declaration to the States for debate so that this Assembly has the opportunity to express its view and understand these arrangements. Timing for this is likely to be tight, and it may prove impossible to do this before 31st October, but it is our intention to ensure we bring a policy letter to the States as soon as is practicable.

115 For completeness, there remains the possibility that the Article 50 period may again be extended. Were there to be an extension, Protocol 3 would continue to govern Guernsey's relationship with the EU, as now.

120 The complexity of the Brexit process has thrown up a number of constitutional challenges for the UK, in particular in the last few weeks. It is to be expected, and indeed it is a duty, that the Lord Chancellor should publicly defend the rule of law and the independence of the judiciary, even when disagreeing with their judgment, but it speaks volumes about the political times in which the UK finds itself that he should find it necessary to do so in light of government briefings or comments from other ministers. What is clear is that the political upheaval in the UK has not

finished. While our own constitutional relationship is not directly impacted by these conundrums, we must ensure we safeguard our interests.

125 In addition, our own constitutional relationship with the Crown has been in the spotlight in the last few years, in particular since March of this year, the relationship with the UK and the UK Parliament. We continue to work on our own constitutional resilience following attempts by some backbench MPs for parliament to legislate for us, Jersey and the Isle of Man on the subject of beneficial ownership registers.

130 We engaged with MPs at the Labour Party Conference on these issues and further engagement is planned with both Conservative and Liberal Democrat MPs in the coming weeks.

The step-by-step action plan we jointly published with Jersey and the Isle of Man in June, outlining our commitment to move to public registers of beneficial ownership in line with the EU's 5th Anti-Money Laundering Directive, has been widely welcomed.

135 Our relationship with the UK relies on mutual respect for and adherence to centuries old constitutional principles, conventions and rules – many of which are unwritten, of course. It is notable and important that the Supreme Court ruled that constitutional propriety must be upheld. But given the uncertain political picture in the UK, the time is now right for us to revisit and develop the work of the Constitutional Investigation Committee in the last States' term.
140 **(A Member:** Hear, hear.) This will need to look at issues such as the further development of our international identity and the process by which our legislation receives Royal Sanction. I would hope that we can begin engagement with the UK on this in the not-too-distant future. I also expect that our interests and those of Jersey in this matter are closely aligned and therefore hope that we will be able to work proactively with the government of Jersey on this agenda.

145 Fundamental to our constitutional resilience is the UK's understanding that it does not legislate for us on domestic matters without our consent. I was unsurprised that this position was acknowledged by the Prime Minister, as indeed of course it was by his predecessor, but welcomed it nevertheless.

150 However, we must ensure that our independence and domestic autonomy cannot be undermined by any future UK government in Whitehall or parliament in Westminster. **(A Member:** Hear, hear.) Put simply, we will not allow our ancient constitutional rights to be infringed.

Two Members: Hear, hear.

155 **The Bailiff:** Just before we move on to Question Time, those who wish to do so may remove their jackets, and we may now have up to 15 minutes of questions.

Deputy Prow.

Deputy Prow: Thank you, sir.

160 Does the President of P&R share my concerns regarding the negotiations currently underway between H.M. Government and the EU 27 regarding the procedure to negotiate and include a future UK, EU economic partnership which encompasses subjects well beyond the scope of Protocol 3 which has served the Crown Dependencies so well over the last four decades and which will impinge upon our economic interests, for example, our freedom to provide financial
165 services as a third country.

Does the President agree with me that there is great risk that our independence will be under a new threat where our interests will differ from those of the UK in its negotiations of the 27 and they may well be compromised in those negotiations?

Thank you, sir.

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

Deputy St Pier: Sir, our position, I guess much like the UK's, is that in relation to the negotiation of the future relationship everything will be up for grabs after exit day. The future

175 relationship is not settled by any withdrawal agreement. And so certainly for us once Protocol 3
does fall away, if there is an exit, then Deputy Prow is right, sir, to note and observe that that
creates an opportunity for a whole range of other issues to be brought to the table and obviously
the nature of our economy is very different in 2019 and 2020 than it was in 1972 and 1973.

180 So it is an issue that we are very alive to, quite how that plays out over the next few months, or
indeed even years, is something which I do not think it would be particularly valuable to speculate
on at this time.

But I think Deputy Prow does make a very valid observation, sir.

The Bailiff: Deputy Inder.

185 **Deputy Inder:** Thank you, sir. Deputy St Pier, thank you for your update.

The Yellowhammer report leaked to the UK press detailed the likely disruption in the event of a
no-deal Brexit. It said 50% of cross-channel traffic would be disrupted, channel crossings there is
potentially a three month disruption and HGV delays of up to two days. Yet, in his Statement the
190 President has said he has had UK assurances from his UK counterparts that do not really square
with the Yellowhammer report.

Can I ask the President of Policy & Resources to detail those plans in the event of a no-deal
Brexit for food and medicines to the public of Guernsey, rather than doing it just via an update?

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

Deputy St Pier: Sorry, I missed the very last part: 'rather than ...'?

200 **Deputy Inder:** Sorry, sir, rather than doing it just via an update to actually detail those plans in
some form of press release or something.

Deputy St Pier: Sir, yes, I think certainly the comment in my Statement in relation to
reassurance from Ministers was specifically in relation to the planning around Health & Social
Care and in relation to medical supplies.

205 Deputy Inder's question is clearly far broader in relation to the whole logistics chain and, of
course, Yellowhammer makes certain assumptions about the flow rate across, in particular the
Dover Straits, and that is something which is informing our own thinking but I think we, through
the Brexit Transition Group, one of the questions we have is actually to what extent that is a
reliable set of assumptions and actually Yellowhammer is expressed to be a reasonable worst-case
210 scenario. We need to understand the worst, worst-case scenario is for Guernsey and that is a piece
of work which is ongoing.

But certainly in relation to the assurance which Deputy Inder was seeking, I hesitate to become
a hostage to fortune on this, other than to say I think the Policy & Resources Committee and
indeed the other Committees involved in this work have demonstrated a resolute commitment to
215 keep, not only this Assembly, but all interested parties, stakeholders and the community, as
regularly informed and updated as is possible at any given time, and I can see no reason for that
to change. I hope that is sufficient reassurance, although it is probably not as specific as he would
like but I think it is realistic under the circumstances.

220 **The Bailiff:** Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

The Brexit turmoil has many businesses worried about increases in prices of goods, the
potential for trade barriers and a shrinkage in the economy, particularly with the EU negotiations
225 without a deal. To protect against this shock, P&R, can I ask is the forthcoming Budget, which

must be underway, looking to raise taxes to protect the economy or seriously taking action to cut expenditure?

The Bailiff: Deputy St Pier.

230 I am not sure whether that is within the context of the Statement. It seems to me it is just trying to get some advance knowledge of the Budget, (*Laughter*) but Deputy St Pier, do you wish to respond?

Deputy St Pier: Sir, I think the essence of Deputy de Lisle's question is clearly the suggestion
235 that a no-deal Brexit in particular could have implications for both the economy and public finances.

As I said in my financial update at the earlier meeting of the States this month, we clearly recognise that as being one of the risks around the management of our public finances. But certainly for Budget planning purposes we have to work with, to coin a phrase, the known
240 knowns. And that is the basis on which the Budget is being prepared and that will be published imminently, sir.

The Bailiff: Deputy Roffey.

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

I very much agree with Deputy St Pier's clarion call for us to defend our historic rights under our unwritten Constitution with the Crown but we know not everybody in the UK agrees with that interpretation.

In view of recent events, does he see any danger in those people who seek for a different
250 interpretation of our constitutional links actually taking their case to the Supreme Court or does he regard this as falling out with the jurisdiction?

The Bailiff: Deputy St Pier.

255 **Deputy St Pier:** Sir, I do not think it is for me to seek to give a view on the jurisdiction of the Supreme Court over these matters. No doubt, should it ever be required, they are perfectly capable of reaching their own conclusion, as indeed they were in relation to the matter before them yesterday, sir.

I think the key point is that the constitutional precedents and norms have clearly been
260 stretched across the piece by a whole range of different factors and players in this story over the last year or so. Now, whilst that has not had direct implication or application to our own constitutional relationship, particularly with the Crown deriving, of course, originally from the Royal Charters, I think we do have to be alive to the fact that perhaps there has become greater acceptance of the willingness to stretch an interpretation in order to achieve a particular tactical
265 outcome that any one party is seeking. And that very much was the essence and purpose of the latter part of my Statement, to say that the Policy & Resources Committee recognises that risk and we are determined to work, particularly with Jersey, with whom clearly we have got the closest constitutional history, to ensure that we take steps now to strengthen our opposition to the extent possible before any risk emerges which does have direct application to us.

270 I hope that gives Deputy Roffey the reassurance he was looking for.

The Bailiff: Deputy Graham.

Deputy Graham: Thank you, sir.

275 Some years ago Guernsey did not send representatives to the Lib Dem Conference because it was felt that they were not key players. They then, of course, went into coalition with the Cameron Government. Can he give us an assurance that because of the unpredictable nature of UK politics

at the moment, both at senior staff level and at senior political level they are talking to all parties in the UK?

280

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, yes, Deputy Graham makes a very valid point.

I think clearly the fractured nature of the UK political scene now is that almost any outcome is possible, and therefore all players on the stage are important to us.

285

We were very keen to send somebody to the Liberal Democrat conference this year. It is simply diary commitments made that impossible, but we have sought to replace that, as I referred to in my Statement, with the ambition of having some meetings with Liberal Democrats in Westminster over the coming weeks. The achievability of that, of course, will depend on wider political events in the UK.

290

Our decision to participate in conferences each year is very much one that is informed by two factors: one is the current political environment; but also, of course, the question of costs and budgets as well. But certainly in relation to this year we absolutely endorse the premise of Deputy Graham's question that we need to be talking to everybody. We seek to do so and indeed across both Houses of Parliament as well.

295

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

300

If there is a withdrawal agreement put into effect it is going to be a set of transitional arrangements. Is Deputy St Pier able to provide any reassurance about the extent to which the UK, in negotiating any withdrawal agreement, assuming that it might be a modified agreement, is representing the Island's case that as much of Protocol 3 as possible should be maintained in any transitional period. And if so, is he able to advise the States of any assurances that he has received in that regard?

305

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I think the best reference point we have, clearly is the withdrawal agreement that was negotiated by the previous Prime Minister. And the question of territorial extent of that agreement and its interaction with not only ourselves but the various other territories that have a slightly different relationship with the EU, was one which was clearly addressed through that agreement.

310

I think, by all accounts of the discussions so far, they seem to be very much centred on the one issue, which is namely Northern Ireland, and there is no suggestion that any other elements of the withdrawal agreement appear to be being opened up. Now, whether that changes between now and October 17th and the Council Summit, or indeed the end of the month, who knows? But I think we can take some reassurance that the matter was settled to the extent that we were satisfied with it in that previous process.

315

I think perhaps dovetailing into Deputy Fallaize's question was the point raised by Deputy Prow which is in relation to the future relationship, which I accept is beyond the transitional period that Deputy Fallaize was referring to. But I think that is probably where the greater risk lies in relation to our own position and that is something that we are very alive to.

320

The Bailiff: Deputy Tindall.

325

Deputy Tindall: Thank you, sir.

I would like to refer back to the answer the President gave to Deputy Brehaut when he was referring to diary commitments. Can he advise whether this was in relation to civil servants who

330 would be supporting politicians who would attend the Lib Dem Conference or whether he was referring to the fact that it is only P&R who will be attending these conferences, because I am sure there are many in this Chamber who would be happy to go to such places to defend the constitutional rights of Guernsey.

Thank you.

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

Deputy St Pier: Sir, I was referring to the diary commitments of the P&R members who would have attended, as opposed to the officers who would have been supporting them.

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

Deputy Lester Queripel: Sir, my understanding is that in preparation for Brexit Jersey is stockpiling supplies and medication, does Deputy St Pier not feel we should be doing that here in Guernsey as well?

The Bailiff: Deputy St Pier.

350 **Deputy St Pier:** Sir, I do not believe that is the position in Jersey in relation to medical supplies. Based on the information I have, Guernsey and Jersey have adopted the same position in working with the Department of Health and Social Care, as I referred to in my Statement.

There are very clear protocols around the NHS supply line and that is what we are all working to, on the basis that that is in the best interests of all parties involved.

355 So, unless Deputy Lester Queripel has alternative information, which he may wish to provide, that is the position, as I understand it.

The Bailiff: Deputy Gollop.

This will probably be the last question.

360 **Deputy Gollop:** Yes, when we had traditional end of month meetings we would have been scheduled to have had a meeting on the 30th and maybe 31st October which, of course, I think coincides with half-term, but are there circumstances by which it is conceivable that in this building or another the States of Deliberation might be needed to assemble effectively in order to debate, some would say, an emergency Billet or some emergency legislation?

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

370 **Deputy St Pier:** Sir, notwithstanding our relationship with the European Union, it is governed by Protocol 3 and therefore, as Members know, we did not participate in the referendum, we were not involved directly in the decision to trigger Article 50. The Policy & Resources Committee has been very anxious to ensure that constitutional propriety is maintained and that the States of Deliberation is given an opportunity to debate these issues in a timely fashion, which is why we have presented the policy letters that we have ahead of, for example, the triggering of Article 50.

375 As my Statement implied, we do feel that it would be most appropriate – notwithstanding that we do not have a direct role to play in the adoption of any withdrawal agreement – for this Assembly to have the opportunity to debate the issues that arise from it in relation to its impact on us. And one of those may well have been raised by Deputy Fallaize in his question.

380 So, again, depending on how timeframes work out, I think it would be our ambition to try and achieve that before 31st October if necessary, with the consent of the Presiding Officer, to hold an additional meeting if that were required.

I hope that gives Deputy Gollop the reassurance that that is the basis on which Policy & Resources is making its decisions.

The Bailiff: The 15 minutes allowed under Rules has elapsed, and I see no one standing in any event.

**General Update –
Statement by the Development & Planning Authority**

The Bailiff: So we will move on to the next Statement to be delivered by the Development & Planning Authority – a general update Statement from Deputy Tindall.

Deputy Tindall: Thank you, sir.

It is my great pleasure to deliver this Statement on behalf of the Development & Planning Authority today. This update covers the DPA's activities over the last 12 months and the work ahead. This has already been an eventful year for the DPA but there is still plenty to do before the end of this political term.

I wish to thank those who have left the DPA for their hard work – Deputy Gollop and Deputy Leadbeater. This resulted in several changes to the membership of the Committee this year. Deputy Lester Queripel left and then returned. Alderney Representative Snowdon joined us and I replaced Deputy Gollop as President. Deputy Oliver has been blessed with two new members of her family and has returned to active duty on the DPA, being elected as Vice-President on 13th September.

And we welcome our newest member, Deputy Paint. His experience will compliment that of the rest of us and will no doubt result in a wide variety of views aired and together good quality decisions being made. And, to use a recent analogy, whilst the Committee felt it was a shame we were not involved in the selection, now that the Assembly's choice has had a chance to dry we acknowledge Deputy Paint is a good match.

This time last year we were preparing for the debate on the Annual Monitoring Report 2017, a debate which sowed the seeds for change and provided the basis for the DPA's Action Plan. This plan includes a variety of steps such as a review of the planning Law and liaison with a number of other Committees.

For example, we have asked the Committee for the Environment & Infrastructure how we can help with the production of the Infrastructure Plan, on how we can assist with the evidence basis for the treatment of Ruettes Tranquilles and how we can ensure Traffic Impact Assessments are more joined up. Officers of both the DPA and Economic Development have met to discuss the outcome of the review of the Red Tape Audit with regard to planning. Each year, we have written to Committees as part of the annual monitoring for feedback on the policies of the Island Development Plan (IDP) and this year was no different. We identify the policies upon which we seek their views as to whether they are working to achieve the outcomes that each Committee seek. We hope this will help to show how Committees can, through their policy making, affect the policies of the IDP. The AMR 2018 is due to come back to the Assembly for debate with amendable Propositions hopefully early in the New Year.

The Action Plan, of course, includes the widening of the five-year review of the IDP. The topic based research for the five-year review has commenced and includes whether brownfield sites should be prioritised ahead of greenfield sites in certain areas, and if so how this might be achieved, and the extent and criteria for designation of Important Open Land. It is also looking at the Agriculture Priority Areas, affordable housing and IDP Policy GP11, assessing the effects of land-banking and considering changes to the current policies concerning visitor accommodation. The assessment of the research done and evidence gathered will begin in June 2020 so that the

initial draft amendments to the IDP can be brought to the DPA for initial consideration by October 2020.

I wish to say at this point that the Committee has a completely open mind in respect of existing IDP policies, which were approved by this Assembly in November 2016. The DPA fully acknowledges that just because the final version of the policies were put in place by a unanimous decision of this Assembly, and just because the DPA are duty-bound to apply them when making decisions, these policies can be challenged and may well be found wanting based on evidence. That changing circumstances and States' priorities mean that some policies need to alter to reflect what the States now wants.

As set out in the 2016 debate, the process to review the IDP is robust enough to allow for amendment or change if there is evidence to support the need to do that. Where changes are proposed, the DPA, both during the rest of this term and no doubt in the next term, will try to find the best possible solutions, based on the evidence and having considered alternatives, taking account of the needs of the Island as a whole.

However, I would like to point out that if the Assembly believes we need development such as building affordable homes for our residents, these homes need to be built somewhere. If we are to mitigate climate change through our land planning policies, we need to build in a sustainable way, making the best use of a limited resource – land. Although we are actively working to find and evaluate other approaches, the DPA is bound to deliver the land-use requirements of the States and that is through the States' approved land use policies in the IDP. We will continue to apply these policies consistently and objectively until other policies are approved by this Assembly.

We have also taken the initiative to press forward with a major project for the preparation of development frameworks for the regeneration areas, including Leale's Yard. This acknowledges public disapproval that, whilst Leale's Yard remains undeveloped despite planning permission having previously been granted, some greenfields not far away are being considered for housing development.

I am most grateful to colleagues on P&R for agreeing to support the DPA with funding for not just Leale's Yard development framework but development frameworks for the three other regeneration areas, these being at Lower Pollet, South Esplanade/Mignot Plateau, and Mansell Street/Le Bordage in St Peter Port. Once in place, we hope these will enable new development proposals to be brought forward.

As part of the Action Plan, we will also be looking again at the policy for development frameworks itself, including assessing their usefulness, re-evaluating the current threshold criteria in respect of size, considering the merits of including land in different ownership, reviewing our communication of consultation and the time taken, and identifying the means and timeline for making improvements in the process.

But, sir, of the utmost importance to all on the DPA, is the rebuilding of the trust of the community and one way to do that is to improve our communication. We have already published Frequently Asked Questions concerning key aspects of the planning process. A dashboard of common statistics such as the number of permissions and completions in certain areas will be published shortly. We also intend to publish our Communication Plan this week which sets out the breadth of what we are seeking to achieve and how this will be done.

One major part of the Communication Plan, and one I have been particularly keen to push for, are workshops. We will be holding the first, relating to Community Plans, on 1st October. The objective of this workshop, which will be attended by a range of invited stakeholders, is to educate, inspire and gain advocates for community planning to encourage and help facilitate the take-up of community plans on the Island.

Our second workshop, which will be open on a first-come, first-served basis, will be held on 12th November. It will focus on public engagement through the Planning process in all its various forms to advise people on the 'best way to have your say'. This will cover the planning inquiry process for the IDP five-year review, through consultation on development frameworks, to the

making of comments on individual planning applications with plenty of opportunity for questions.
480 This workshop will run from 5.30 p.m., for 5.45 p.m. start, until around 7.30 p.m. on Tuesday 12th November and will be held at the Princess Elizabeth Centre for Performing Arts.

I wish also to take this opportunity to thank the Planning staff for the work they do – they have had a lot to do this past year (**A Member:** Hear hear.) but continue to show professionalism and adherence to both the States' Code of Conduct and that of the Royal Town Planning Institute.
485 Unfortunately, a few parties in this process will inevitably feel aggrieved and I recommend that they use the relevant complaint or appeal procedures if they do.

As a result of vacancies and an increased workload, the percentage of decisions made within eight weeks had slipped from 71% in the year 2017-18 to 54% in 2018-19 – this is against a target of 80%. The team has been working hard this summer and putting in place temporary measures
490 such as using messages and call back and creating a team to deal specifically with more minor applications, the position is currently looking much better with most householder applications dealt within eight weeks.

In conclusion, sir, I wish to explain why I have not reeled off a list of what we have achieved as a Committee over the course of the last year. Of course, much has been achieved across the various areas of work which fall within the DPA's mandate, such as commissioning the review of
495 the Areas of Biodiversity Importance which reports at the end of the year, or our contribution to the Seafront Enhancement Area working group or facilitating commencement of the multi-million pound Admiral Park development, to name just a few. However, I and my Committee agreed we would focus more on what we have done and are doing to respond to the public's concerns. This
500 was especially important as many did not get to hear closing remarks during the debate on the requête and the assurances made then. I hope, sir, that I have shown that the public's voice has been heard by the Development & Planning Authority and that we are responding to that voice in the most proactive way possible open to us.

Thank you, sir.

505 **The Bailiff:** Any questions?
Deputy Merrett.

Deputy Merrett: Thank you, sir. I thank the President for her update.

510 I wonder if the President is as concerned as I am, sir, that once again it will be early in next political term – I believe the President said October 2020 – when existing policies may be debated in this Chamber. That is quite early in the political term, sir, so I was wondering if – I am very concerned, sir – the President is also concerned that doing such a policy decision so early in the term is actually acceptable?

515 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Sir, I did say that the actual initial draft amendments were coming back to the Committee in October 2020, the actual debate will be in 2021 in accordance with the DPA timeline
520 as shown in requête debate.

Thank you, sir.

The Bailiff: Deputy de Lisle.

525 **Deputy de Lisle:** Sir, in terms of the public having their say, the open planning meetings have been called public relations disasters and counter-productive, with people feeling aggrieved. So what imminent changes are being made?

The Bailiff: Deputy Tindall.

Deputy Tindall: Obviously the reporting of open planning meetings, considering the last one was four and a half hours, is open to a difference of opinion, shall we say. Anyone who wishes to hear the full transcript of a four and a half hour tape is very much welcome to hear what actually happened. But as to PR disasters, again, this is perhaps because some people do not like the outcome but also because of that four and a half hours and an understanding of the process, how we are dealing with it is having the workshop.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, my question would be that – well two questions, I will give the first question now – the first is Deputy Tindall has explained the workshops that are taking place, she pointed out that the 1st October workshop, is invitation-only – I came to hear of it through a stakeholder who is attending – why has that workshop not been more widely advertised so that Deputies can attend who are not sitting on the Committee?

Deputy Tindall: As I said, it is invitation only. We are inviting a wide stakeholder of the community. It is the community that we are aiming for; so people such as individuals on school committees, members of the Douzaines, bus and cycle groups, the planning professionals; as I say, there are about 50 people. We are doing the workshop in order to be able to create a dummy community plan to instil the real belief that they can go out and then inspire a way in which we can do the community plan.

The Bailiff: Deputy Gollop, you had another question?

Deputy Gollop: My question is that, Guernsey – modern planning in Guernsey – I thank very much Deputy Tindall for the work that she is achieving but in the UK departures from planning policies for an area are possible under planning law. In the past they had to go before a Secretary of State, but it was possible for local authorities to make departures; and we have in fact made departures in the past, for example on the Green Acres Hotel site. How far is the DPA able to make reasonable departures from the Island Development Plan as a political committee in an open planning or other context, and how far are they bound rigidly by the constraints or limits?

The Bailiff: Deputy Tindall.

Deputy Tindall: We are bound to interpret the Island Development Plan through advice, not just planning advice but legal advice, and again we are subject to judicial review. If we go outside those boundaries those judicial review principles are commonly known, have been in place for decades and I do not feel necessary to go into those details today.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

In response to a previous question, Deputy Tindall said that members of the community do not like the outcomes of every planning meeting, but I would argue, sir, they do not like the policies which are leading to such outcomes; and I would like to ask the President if she does actually believe that 2021 is the earliest date possible to relook at and re-evaluate these policies in this Chamber?

The Bailiff: Deputy Tindall.

Deputy Tindall: Sir, I appreciate the fact that, as I mentioned in my speech, some members of the public did not get to hear about nearly three hours of the debate, but I do not intend to

rehearse the arguments there; and *Hansard*, I believe, is shortly to be available which will explain exactly why 2021, as per the DPA timeline, is the earliest possible.

585

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

590 Please can the President update me on progress in relation to the amendment that Deputy Fallaize and myself put to the Island Development Plan in relation to tariff payments as an alternative to providing land in relation to Policy GP11 to do with affordable housing?

Thank you.

The Bailiff: Deputy Tindall.

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600 **Deputy Tindall:** Sir, after advice that we were given, because the amendment, which was to enable, if you like, land swap and tariff payments in respect of houses that were to be set aside for affordable homes, was based on five units and more being developed and was replaced by a successful amendment for 20 units and above, and because, unfortunately, we have had *no* affordable housing come forward under GP11, it was felt that the *raison d'être* behind the amendment was not only lost, because there is the opportunity, but also that to deal with other work was a priority. Naturally, within our five-year review in the action plan, we have included a revisiting because some – certainly some – Members of the DPA feel very much that it should be reduced to five and therefore the tariff would be a useful tool to enable that to happen.

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The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

610 I apologise to the President if I have got this wrong, but I am pretty sure that the President said that the Annual Monitoring Report, which I believe was in November last year, sir, will not be available until the New Year. I was wondering why there is such a delay, sir.

Deputy Tindall: Unfortunately, the delay was due to the work that had to be done to prepare for the requête.

615

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

620 I wonder if the President could update the Assembly and the wider public on the progress made in getting the planning applications digitised and available digitally to the public.

The Bailiff: Deputy Tindall.

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Deputy Tindall: Certainly. Officers have been, if I could say, doing dummy runs again with the Douzaine, but basically the fundamental roll-out will take place as a result of FDS and the contract with Agilisys which will help push it forward. Naturally it will help everyone to be able to not need to come to Charles Frossard House to see planning applications, but to be able to see it online. And therefore it is very much something ... We constantly at Committee ask for update, but we are bound within the States' timeline.

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The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I will declare interest as Andrew is a director of Lovell Ozanne, so he we will have an interest in this matter, sir.

Why I asked the question, because I was very concerned, sir, that Deputy Tindall said that only just over 50% was being dealt with within a relative or approved or required or however timeframe; and I was wondering what Deputy Tindall – or President Tindall as so-called – is doing to try to raise that back nearer the 80%? Because clearly, sir, this has a real effect on our construction industry.

Deputy Tindall: I did explain this in our speech, but I will reiterate that there have been many interventions to try and improve it and I am very pleased to announce that we are back up to 75%.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I wonder if the President could update me on any work that the Committee is doing in relation to derelict glasshouse sites?

Thank you.

The Bailiff: Deputy Tindall.

Deputy Tindall: Derelict glasshouse sites are obviously very much part of the IDP policies and obviously any the applications that are under the policies in order to give them new life are very much available to landowners. However, as I am sure many will realise, there are very strict criteria in which change of use is available to these glasshouse sites, so we are again duty-bound to work within the IDP policies in order to ensure that any transfer of use will do so. As for a more generous use of derelict glasshouse sites, that is outwith the DPA.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, one area where I think Deputy Tindall has very much changed the conversation for the better has been in explaining the role of the DPA in relation to other Committees in the matrix, such as Environment & Infrastructure and Policy & Resources. How far has Deputy Tindall, on behalf of the Committee, been able to ensure that the DPA is taken seriously as a Principal Committee at times, with the President having direct contact with Policy & Resources and Principal Committee Presidents and budget-setting and strategic plan-setting, rather than just being an add-on frequently forgotten about, in my time?

The Bailiff: Deputy Tindall.

Deputy Tindall: Whilst it has been my target, it has not, obviously, been me that has achieved it. I should make that clear. This has been as a result – the improvement in availability of being able to attend committees on the list that Deputy Gollop has mentioned – is mainly due to the various amendments that were undertaken by my colleagues, for which I am very grateful. But, yes, we obviously are not a Principal Committee and we would not be seen to be that, but we do interact with Principal Committees and other committees on a greater basis than I think previously understood – especially considering we are policymakers. We are not regulators; we are policymakers. And from that perspective the various occasional planning applications at OPM, do not debar us from being at that table to have these very important discussions.

**General Update –
Statement by the President of Education, Sport & Culture**

The Bailiff: We will move on now to the next Statement, from the President of the Committee for Education, Sport & Culture, again a general update Statement.

Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

The last thing the States did before this meeting was to debate my Committee's policy letter on the education reforms we are leading, in particular to secondary and further education, and therefore I will try not to cover too much of that same territory in this update Statement.

I do wish to thank the States for backing the Committee's ambitious reforms by a healthy majority. In time, these reforms will lead to an education system better able to achieve our vision of opportunity and excellence for all students. Before the October half-term the Committee will write to parents to provide further details of the transitional arrangements to the new secondary model for one school in two 11-18 colleges.

The programme business case which we published alongside the policy letter has been independently reviewed in accordance with agreed States' procedures and received a 'green' rating, which means it is in good shape to proceed to the next phase of outline business cases for each of the several projects which make up the full programme.

The outline business case for the 11-18 school is currently being written and will be submitted next month. The planning application is being prepared for the developments at St Sampson's, which will become Victor Hugo College, and Les Beaucamps, which will become De Sausmarez College, and tenders for the construction projects will be issued in the next few weeks, subject to approval of the outline business case. Consultation continues with unions and staff on the transitional and future arrangements for the new single Lisia School and it is hoped that the next round of appointments will commence later this year. We are working with the newly appointed Executive Principal of the Guernsey Institute to prepare the outline business case for that development project for submission in 2020. Since the States' debate three weeks ago we have started to assess the feasibility of consolidating FE sites and vacating much or all of the Delancey Campus to assist our colleagues at Health & Social Care, as directed by the States.

As Members know, Education Scotland has been replaced by Ofsted as our new partner for inspecting States' schools and colleges in the Bailiwick. In recent months we have been developing a new inspection framework against which schools and colleges will be assessed. This has included consultation with school leaders and unions. Yesterday the Committee finalised the inspection framework which will be used for a series of pilot inspections over the next few months and then, if necessary, further modified before full inspections commence in the summer term of 2020. This is a deliberately rigorous framework – albeit modified to fit our objective to support, not to alarm, schools – for use by an inspectorate with a clearer national mandate for driving up standards, and we should not be surprised if inspection reports appear to be holding schools to notably demanding standards.

There was much to celebrate in this year's GCSE and equivalent results. There were success stories across all schools and the College of Further Education. The Committee congratulates students and teachers for their hard work and achievements. There were also clear signs of where outcomes today are likely to be falling short of comparable parts of the UK and where we should work to improve standards.

It is currently not possible to make direct comparisons between the Bailiwick and other jurisdictions. A new secondary school accountability system was introduced in England from 2016, including new performance measures, new qualifications and a new grade structure. These changes were introduced in response to problems with the previous A*-C measure, which remained in use in the Bailiwick. Qualifications are also included in performance measures in the Bailiwick which are no longer judged to be of equivalent value in England. The Committee is not

willing to set lower standards for students in the Bailiwick than their English counterparts and has resolved to move towards some of the new English performance measures, including Attainment 8. This will provide better incentives to schools to prioritise the progress of all students equally and focus on a broader range of subjects, better preparation for further and higher education, qualifications which are respected wherever students choose to work or study, and accurate benchmarking of the Bailiwick's performance.

Despite the current lack of comparability, the Committee is keen to ensure the highest levels of transparency in standards and performance. School leaders are analysing data, including an indicative measure under the new Attainment 8 system, and this information will be published shortly.

It is important that we look beyond our shores to ensure that what we do in education is evidence based and draws on the best practice worldwide. International evidence suggests that when content is more loosely defined, as is the case in the largely skills-based curriculum introduced in the Bailiwick in 2017, there is a decline in overall standards and an increase in inequality of outcomes between students from more and less privileged backgrounds. The Bailiwick may already be starting to see the decline in standards experienced in other jurisdictions which have introduced similar curricula, such as Scotland, France and Ontario.

There are early indications of a possible decline in standards of literacy across Key Stages 1 and 2. This is based on the data provided by schools about pupils' performance at the end of Year 2 and the end of Year 6. There has also been a substantial increase in referrals for additional support for literacy. Literacy is a key priority and the Committee has directed that a review into the possible decline in standards must be undertaken in the current school term. It will consider possible reasons and suggest solutions which can swiftly be put in place to reverse any declines.

The Committee fully supports the aims of the curriculum to develop students who can think critically, solve problems and be creative and who will become responsible citizens and contribute effectively to our society. An express commitment of the curriculum is to be 'dynamic, adaptable and constantly evolving'. But the curriculum needs to be considerably strengthened to avoid the declines in standards seen elsewhere. For example, work is under way to ensure greater focus on content and there needs to be greater attention paid to the sequencing of what is learned across the key stages.

The development of the curriculum will aim to retain its existing benefits, including the focus on wider outcomes and the involvement of teachers, whilst learning lessons from and avoiding the mistakes of other jurisdictions. It would be unacceptable educationally, socially, economically and morally to deliver a curriculum which does not provide every student, regardless of their background, with the best possible chance of success in the future. Further development of the curriculum is a key priority alongside the transformation of secondary and further education.

Investment of approximately £1 million in sports facilities at Footes Lane is nearly complete. The new eight-lane running track – the only one in the Channel Islands – is being installed this week and the facilities are scheduled to reopen to all users next week.

Since my last update statement, the Committee and its new partner, EC Events, hosted our annual Liberation Day celebrations. Various new features seemed generally to be welcomed by the public, including changing the layout of events in town which allowed more than 5,000 people to visit Castle Cornet on Liberation Day. Preparations are well under way – including having secured an increased budget for various improvements and special events – for next year's 75th anniversary celebrations of the Liberation and 80th anniversary commemorations of the Evacuation.

The Committee still anticipates that by the end of this calendar year it will have finalised and submitted a policy letter proposing the first sports strategy – in response to an extant States' Resolution directing one – and around the same time a policy letter proposing a new approach to maintaining and promoting our indigenous language.

In my last update statement in April I advised that revenue expenditure was under budget. This remains the case and the Committee is confident that its full year expenditure in 2019 will be within the budget agreed by the States.

785 Last year the Committee agreed to support schools in becoming UNICEF Rights Respecting Schools. Sixteen schools have now achieved the bronze award and some are working towards the silver award.

The Committee is leading the development of an Early Years Roadmap, which will become a key part of the Children & Young People's Plan, with the aim of ensuring that resources are
790 directed as wisely as possible to provide early help to our youngest and least advantaged children. We are currently working with colleagues in Alderney to establish new and improved pre-school provision through St Anne's School.

And finally, sir, work continues on the development of a new Education Law to replace the existing 1970 Law, which has been recognised as outdated and inadequate for at least 20 years
795 without being substantially revised. The Committee still anticipates submitting a policy letter on the Education Law before the end of the States' term and is using some of its existing budget to allow initial drafting of the prospective legislation. This will allow the States, if they wish, to approve the necessary project sooner than would otherwise have been the case.

Thank you, sir.

800

The Bailiff: Any questions? Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

Could the President advise when the review on spend is going to take place?

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The Bailiff: Deputy Fallaize.

Deputy Fallaize: The Committee discussed this matter at its meeting yesterday, and at its meeting in two weeks' time will agree terms of reference and essentially appoint reviewers and
810 agree a timetable. The Committee is determined to carry it out with as much speed as possible, which in other words means that it will start very soon.

The Bailiff: Deputy Gollop.

815 **Deputy Gollop:** You will forgive me a little bit of grandstanding. My question is that the previous States, when we had 45 Members, approved the work that the Education Department did when it had a Minister, a Deputy Minister and Deputy Green as a Member to enhance, improve and change the curriculum both for pupils of all abilities and those with special needs. I recall at the time I supported those changes, as did Deputy Fallaize and Deputy Dorey. Why is it so
820 deficient now, in the light of new experience, the curriculum that we adopted just four years ago when we initially agreed the four schools model and the pre-school model?

Deputy Fallaize: The Bailiwick system was not approved by the States. There was a vision put before the States which was related to the whole range of education activities by the Committee
825 on which Deputy Green sat, but the States did not approve the Bailiwick curriculum.

The problems are as I have set out in this Statement and in questions answered previously in the Assembly. The curriculum is very heavily skills based and does not provide for adequate consistency and richness of content and knowledge, and the international evidence shows pretty consistently that where such curricula are introduced it, what follows is a decline in standards and
830 notably a widening of the attainment gap between students from more privileged and less privileged backgrounds. That should not come as a surprise, because that is the established international evidence. I cannot account for why the previous curriculum was adopted in exactly

the form it was, but the evidence suggests it needs to be reformed in the interests of maintaining high standards and promoting higher standards, and that is what the Committee is doing.

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The Bailiff: Alderney Representative Snowden.

Alderney Rep. Snowden: Thank you.

I would just want to ask the President if there is any progress being made with the swimming policy due to St Anne's not having a swimming pool functioning at the moment and sea swimming being the only way that the kids can learn to swim. I do appreciate the Committee is looking into this; I just wondered if there is a timeline at all.

Thank you.

845

The Bailiff: Deputy Fallaize.

Deputy Fallaize: As it happens, in order to make the Statement come within 10 minutes I took out two lines which I had originally drafted about that.

The Committee will make every effort to carry out that review in the current States' term. As Alderney Representative Snowden knows, our wish to progress the development of Le Mar de Carteret Primary School is now dependent, because of the States' Resolutions, on carrying out a review of primary provision generally, which has to include a review of swimming provision. So, we have some incentive to carry it out.

We recognise how important it is to St Anne's in Alderney. The Committee is visiting St Anne's in three or four weeks' time for two days and I would be happy to have further discussions on this particular issue with Alderney States' Members and the school.

The Bailiff: Deputy Oliver.

860

Deputy Oliver: Thank you, sir.

Rather than changing the curriculum, why not change the class size to smaller classes? Twenty-four in a class, in my opinion, appears to be the bigger problem than any curriculum.

The Bailiff: Deputy Fallaize.

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Deputy Fallaize: Well, there is quite a lot of evidence collected about the factors which affect standards and outcomes in education and, although the Committee has no plans at all to increase class sizes, the evidence suggests that in the list of factors which influence standards and outcomes class size does not rank very high.

However, without a curriculum which draws on the best available practice internationally we are not going to be serving our students well and we are not going to be preparing them for success in the future, whether in economic, social or other terms. That is why curriculum reform is a priority of the Committee and adjusting class sizes is not.

875

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I am concerned with the comment from Deputy Fallaize that the tendering process will start in the next few weeks. Can the President please tell us when the planning application will be submitted if it is being submitted yet, and when will the tender process begin in relation to that submission?

In the education debate the President of the DPA said that no letter of comfort could be provided and consequently I am very concerned, if the tendering process is done at the same time as the planning application is being processed, whether or not it ...

885 Another question: what other significant States' projects have been tendered at the same time as a planning application is being done – in other words, before plans are approved – and what risk mitigation factors are being introduced to offset the risk that the plans as submitted will not be approved in their current form and significant changes might come about –

890 **The Bailiff:** Your minute is up and that is at least three questions. You are not going to get any more.

Deputy Fallaize.

Deputy Fallaize: Yes, sir, I think I will stick to answering the first one, if I may.

895 The answer to Deputy Meerveld's question, I think, in order to provide the reassurance which he seeks – and I accept it is reasonable to seek that reassurance – is that no financial commitments will be made, much less any contract signed with any contractor, unless planning permission has been granted by the Development & Planning Authority, because quite obviously it would be absurd for the States to make commitments to contractors on projects which the
900 sponsoring Committee does not yet know it can carry out.

The Bailiff: Deputy Inder.

Deputy Inder: Thank you, sir.

905 Excuse me if I am going to misquote Deputy Trott while he is not here, sir – it is easier to do that.

At the end of the debate last month there was discussion regarding the capital outlay for the schools – not to raise too much in the way of expectations is the sort of sense I got from Deputy Lyndon Trott. It is interesting then, and it is a question I did not ask at the time: what is the risk to
910 the transition if, for example, you build one of the large comprehensives in one week but you cannot build the other large comprehensive until the second week?

The Bailiff: Deputy Fallaize.

915 **Deputy Fallaize:** It is going to take longer than a week, sir, I think, (*Laughter*) to develop them! The projects that will be run will be effectively run as part of the same project, so we do not envisage tendering them separately and running the risk that one is finished in year one, let's say, and one is finished in year two. The reason for that, as alluded to in Deputy Inder's question, is because it is very important that the construction projects proceed simultaneously so that we do
920 not have one completed far in advance of another. If that happened, that would have a significant effect on the transition plans.

The Bailiff: Deputy Stephens.

925 **Deputy Stephens:** Thank you, sir. I am getting a lot of exercise this morning! Could Deputy Fallaize advise if there are mitigations in place at Key Stage 3 to deal with any issues of literary standards of pupils transferring from Key Stages 1 and 2?
Thank you.

930 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Well, there have not been, or at least if there have been they have been very limited in scope. The Committee, however, is committing budget to put in place those mitigating initiatives, including some new initiatives in the secondary sector this academic year.

935 The standards of literacy in the incoming Year 7 this year are considerably below what would be considered acceptable and I have explained in my Statement what the indications would

suggest are the reasons for that around literacy focus and curriculum problems, so it is going to cost some money to put in place mitigating initiatives. The Committee is doing that. The initiatives will be based on the best available evidence.

940 The programmes will be led by school leaders in conjunction with the Committee's Head of Curriculum and Standards. It will require some reasonable level of investment but it has to be made so that students are not disadvantaged when they come to public exams in four or five years' time.

945 **The Bailiff:** I think the Deputies Queripel are also getting a lot of exercise this morning. I will call Deputy Lester Queripel and then Deputy Laurie Queripel.

Deputy Lester Queripel: Sir, thank you.

950 The President in his speech informed us that a sports strategy will shortly be delivered by his Department and I applaud the intention, but the States have several well-intentioned strategies in place yet we do not have the funds to progress them, so can the President tell me whether or not his Committee have funds in place to enable them to progress the sports strategy?

The Bailiff: Deputy Fallaize.

955 **Deputy Fallaize:** The Committee cannot progress the sports strategy, assuming it is approved by the States, within its existing budget but the policy letter which will come to the States will set out proposals to fund the sports strategy. Obviously they will be a matter for the States to debate and determine at the time. We are not talking about vast sums of money but there would be a
960 need for additional investment. That will be set out in the policy letter.

I agree with Deputy Queripel, it would be pointless the States agreeing strategies which come with funding requirements and then not putting in place the funding, but I look forward to Deputy Queripel supporting the strategy and the funding when we come to the States.

965 **The Bailiff:** Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

I am just a bit confused about this issue of the curriculum because prior to last month's debate, when the Scrutiny Management Committee published a letter of comment and there were
970 concerns raised in that letter about a new curriculum being developed or at least a heavily revised curriculum, the Committee for Education, Sport & Culture refuted that comment. Now it sounds to me as if Deputy Fallaize is saying there is going to be a review of the curriculum and it is going to be revised quite heavily. Can he pull those things together and that mismatch or that inconsistency?

975 Thank you, sir.

Deputy Fallaize: The claim in the Scrutiny Management Committee letter – and where it came from remains a mystery which that Committee may clear up one day – was that a new curriculum is being developed. That is simply not true. The best way of describing it is not that a new
980 curriculum is being developed but that the existing curriculum, which it was always accepted when it was introduced would require further development, needs to be added to, particularly in the area of key content and knowledge, but the good parts of the existing curriculum, of which there are many, need to be maintained.

985 So it is very much development of the curriculum, which was always envisaged – not perhaps in this direction, but development of the curriculum was envisaged. It is not the replacement of the existing curriculum with a new one.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

990 In the other part of Education, Sport & Culture's mandate of course is culture. The Guernsey
Community Foundation did release a document called A New Vision for the Arts, which was
developed by the Arts Working Statutory Group. It had five recommended actions, one to refocus
on Guernsey Arts Commission, and centralise arts funding etc. Those are their recommendations.
995 However, we have not yet a States' direction and clear, co-ordinated strategy for the arts from the
States. Are there any plans to do that in this Assembly?

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Yes, the Arts Strategy Working Group was a body, in effect sponsored by the
1000 Committee, which brought together the Guernsey Community Foundation and the Arts
Commission, or members thereof, to put together a strategy. What was developed was effectively
a vision – I hate that word, but Members will know what I mean. The Committee received that and
then subsequently asked the Arts Strategy Working Group, in a slightly different form drawing on
the necessary skills and expertise, to develop a strategy, effectively a plan for the arts which
1005 ultimately the Committee envisages either adopting if it can be done within existing budget levels,
or bringing to the States for approval if it requires additional investment.

I cannot at this stage put a timeline on when that piece of work will be completed and, if
necessary, brought to the States by the Committee, but I am very happy to provide Deputy
Hansmann Rouxel with an update on that group's work subsequent to this meeting.

1010

The Bailiff: Deputy Hansmann Rouxel again.

Deputy Hansmann Rouxel: Thank you.

1015 Just following on from that, can I confirm that the five recommendations in that ... whether
there has been any further States' involvement in changing those before it is sent out to an
external part of the community to create a strategy?

The Bailiff: Deputy Fallaize.

1020 **Deputy Fallaize:** No, not at political level, but ... I can see that Deputy Hansmann Rouxel is
exasperated by my answer, but I do not believe that the work that is needed to follow the piece of
work that Deputy Hansmann has referred to is sufficiently advanced that in the event that
amendment needs to be made to any of the workstreams she is talking about, that could not
happen.

1025 I am very happy to sit down with Deputy Hansmann Rouxel if she has concerns about any of
those five points and to ensure that her concerns are taken into account when the next phase of
the work is complete.

The Bailiff: Deputy Gollop.

1030

Deputy Gollop: Thank you, sir.

As you can see, I am wearing an Arts Commission on my cardi-waistcoat. The WEA were very
pleased to have as a guest speaker at the AGM, Dr Monaghan, who has done so much in
museums, archaeology, history and literature across both Alderney and Guernsey. He is retiring in
1035 his role as Director of the Museum Service. I do hope that the Museum Service continues to
flourish.

My question to Deputy Fallaize is: is the Committee going to resource the Museum Service
sufficiently to ensure the current high standard of everything from Japan events to Greek events
continues, and that the role of the Director of Museums will not be downgraded in any way in any
1040 future reorganisation?

The Bailiff: Deputy Fallaize.

Deputy Fallaize: I think that the role technically is Head of Heritage Services. Following Dr Monaghan's retirement the role will be filled temporarily by an existing member of staff who is well able to carry out that role. We will review the needs of the service in the future, but no decisions, as I understand it, have been made in that regard.

In terms of resourcing generally, the Committee is committed to the work of the Museum Service and other aspects of heritage and culture and applies as much of its budget as it possibly can to that area of work. There are only two choices though, if Deputy Gollop wants to see it funded more generously. One is that the Committee reallocates some of its existing budget away from education to museums – I can assure Deputy Gollop that is not going to happen – or the States increases the Committee's revenue budget and a portion of the increase is allocated to the Museum Service. I am very happy to support that sort of approach if Deputy Gollop wishes to propose it to the States and test the appetite of the States for it.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: So, in terms of the sports strategy and comments in that area that Deputy Fallaize has made comment on, is the President able to comment on preparations and progress for the Island Games which are forthcoming in a year or so?

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Yes, the preparations continue to be progressed well. Deputy de Lisle will remember the governance structure which was put in place by the Committee – of which he was a member – which remains in place to this day. The organising committee is led by Dame Mary Perkins with a group of other very well-qualified people, some of whom have experience in organising large events. I receive periodic updates from that group, but it is operating very much at arm's length because it has the expertise and the experience to do the task and it needs to be left to get on with it. The Committee is ready to provide any logistical, practical or even financial support that that group feels it needs, but all of the preparations are progressing well and, if anything, are ahead of schedule.

The Bailiff: That brings us to the end of the 20 minutes allocated for questions following that Statement and that concludes the three Statements to be delivered at this meeting.

Questions for Oral Answer

Procedural – Urgent Questions from Alderney Representatives to be answered tomorrow morning

The Bailiff: We move on to Question Time.

I can inform Members that I had a request this morning from the two Alderney Representatives for urgent Questions to be asked under Rule 12, one from each Alderney Representative. I have agreed (**A Member:** Hear, Hear.) that those questions may be asked, but the time at which they are to be answered is something for me to determine. They are to be asked of the President of the States' Trading & Supervisory Board. They relate to the operation of the Guernsey-Alderney air

route currently at the moment, and I have agreed that the President will answer those questions tomorrow morning. So there will be two urgent Questions to be answered tomorrow morning.

COMMITTEE FOR HOME AFFAIRS

Brexit –

Population Management Office; staff shortages in the care and hospitality sectors

1085 **The Bailiff:** Having said that, we move on to the Questions that have been circulated and we start with questions from Deputy Gollop to the President of the Committee *for* Home Affairs. Deputy Gollop.

Deputy Gollop: Thank you very much, sir – the only one this month!
1090 My first Question to Deputy Lowe and the Committee is: are the President and the Committee confident that post Brexit – especially, as Deputy St Pier outlined, a no-deal Brexit for the end of October – the Population Management Office policies and regime are sufficiently prepared to answer questions, reassure people and employers, and cope with a possible additional workload?

1095 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir, and I thank Deputy Gollop for his Question.
Brexit preparations have been central to the Committee's considerations across its mandate throughout this term, including within Population Management. The Committee continues to actively monitor the implications of Brexit, including the possibility of a no-deal Brexit, and is
1100 working with colleagues across the States of Guernsey, and beyond, to understand how the population management can be used to best support our community and economy into the future.

The Population Management Law was specifically designed to be able to react flexibly and promptly to challenges and opportunities as they arise, and the Committee will continue to engage with industry to achieve this. All policies are kept under active review, and in February
1105 2019 the Committee introduced a specific policy which enables individuals holding short-term or medium-term permits to reside in Guernsey for a further year as a direct response to uncertainty caused by Brexit. Further developments will be considered should it become necessary.

1110 The Administrator of Population Management considers that the Population Management Office has sufficient resources available to respond to queries raised by the employers and individuals.

The Bailiff: Supplementary question, Deputy Gollop?

1115 **Deputy Gollop:** Deputy Roffey and other persons have raised the issue in the past that we may need, in order to safeguard our care, hospitality and other services, derogation from the new UK entry policy relating to work permits and so on. How can Deputy Lowe ensure that we are prepared for that eventuality as well?

1120 **The Bailiff:** Deputy Lowe.

Deputy Lowe: I did not quite catch the end of your question, but I think the gist of it was basically how we will ensure that we can do our utmost for the carers and for hospitality post Brexit. The flexibility of the Population Law is very much designed for those reasons, as an
1125 example.

The Bailiff: Yes, Deputy Tooley, is it a supplementary question?

Deputy Tooley: It is. I think complicating that issue potentially is the planned policy of the current government of the UK which places a financial limit below which somebody could not apply to live and work within the UK and therefore that passing on to us – and that limit I think is likely to be set at around £36,000. Many of our service industry workers and carers and so on are on salaries which leave them below that mark and I think there is a general concern that the changes that may come in will adversely affect us in a way that they do not perhaps affect the UK.

Is Deputy Lowe confident that the population management regime is able to handle this and is able to have a conversation with the UK about changes that we might need?

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, Deputy Tooley.

Regarding the pay and conditions, obviously that is a matter for the employer to make sure that they keep up the appropriate amounts to pay their staff to encourage them there. It is not for Population Management to intervene in that area. However, the flexibility ... And it is so important that we work with the industry through PEAP, and indeed direct Population Management so that all these concerns are raised as ongoing issues and not just left until we get to a no-deal or a Brexit deal.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, following on from Deputy Tooley's question, what really can Home Affairs – or indeed any Department of the States, but I am asking her the question as the President responding to this question – do if the UK immigration authorities say, 'This is what is going to happen – you have got to have a financial, economic limit of that'? What can Guernsey do? I do not want to answer the question for Deputy Lowe, but my view is that they can probably do nothing – but she may know something better.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

I have not got the direct answer for you for that one because it is a bit hypothetical. We work with the UK. We have got immigration as well, which we deal with for people coming across to Guernsey, and it is something that we will take consideration of, but we have got a flexible scheme and we will do our utmost to ensure that our economy and our industry are able to accommodate the staff here in Guernsey.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

Does the President agree with me that under the extended Immigration Acts which apply to the Bailiwick we already now have a work permit regime which is different to that of the UK and that is allowed to exist within the Common Travel Area, and that any development to that work permit policy that the Committee of Home Affairs decide is a matter for the Home Affairs Committee, provided that it complies with the bounds of the Common Travel Area?

Thank you, sir.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, Deputy Prow. Yes, I totally agree with you on that one, and that is where it can be complex for people who are just looking at the UK, but the Common Travel Area and immigration again is another area and I concur with exactly what you have expressed.

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The Bailiff: Yes, Deputy Le Clerc.

Deputy Le Clerc: Sir, I think what other colleagues have tried to say, that surely immigration legislation and the UK immigration legislation trumps our own population regime, and whatever the UK immigration adopt we would have to adopt. That is the concern I think that people have got, that it looks like it will be very inflexible.

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The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, Deputy Le Clerc.

Of course we have to take notice of what actually happens in the UK, and if there is a need we will be bringing a States' report here for the States to make that decision if we need to change things completely. But under our policy for Home Affairs we are able to work with the UK, see what is happening and change policies within Home Affairs.

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The Bailiff: Deputy Tooley.

Deputy Tooley: Sorry, I apologise because I think possibly I worded my question initially badly and it is along a slightly different track.

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My understanding – and I wonder if Deputy Lowe can confirm my understanding – is that Guernsey has been allowed to operate its own population management regime because it has been stricter than that of the UK, and that our ability to operate a population management regime which is looser than the UK's would be restricted by their restriction that they place around things.

Therefore, the assurance that I am looking for is that conversations are taking place with the UK – and this does not necessarily refer to Brexit – around our ability to opt out of their placing a minimum wage earning of around £36,000 on immigrants into the UK and therefore potentially into our community, where that could be very damaging to our hospitality and care industries.

1205

Thank you.

The Bailiff: Deputy Lowe.

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Deputy Lowe: Thank you, Deputy Tooley.

I fully understand the answers that you are trying to get. I cannot actually answer them. The population management ... So many people mix up population management with immigration; they are completely separate. We have immigration and we have population management. Population management is to give a permit here to be able to work here, which sits alongside, and we have been assured when messages have gone out about Brexit, about the movement of people, that that is absolutely fine how Guernsey operates. But sitting alongside that, you also have to take notice of the Population Management Law, which is separate to the immigration.

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The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Sir, would the President agree with me, in respect of the concerns that Deputy Tooley has raised, that we have, when we have engaged with the UK – notwithstanding that we have to work within that overall regime – highlighted that our issues regarding the need for certain staff will not be able to work within policies regarding minimum wage, for example, etc. in the UK, they may be more acute, and that the UK government are well aware of that – at least the current government are well aware of that? Would she agree with me?

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Deputy Lowe: Yes, I agree with you, Deputy Le Tocq.

The Bailiff: Shall we move on to your second Question, Deputy Gollop?

Deputy Gollop: It has been widely reported that a popular respected, valued and rural-located care home is to close quite soon for the announced reasons of the resignation of a care manager and general difficulties in recruiting suitable qualified and sufficient staff. How can Home Affairs ensure staff shortages in the care sector do not lead to further closures?

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

The Committee cannot comment on individual businesses or applications, as this is administrated by the Population Management Office. In broad terms, the reality is I cannot provide a blanket reassurance as to the risk of future closures.

The Population Management Law does not operate within a vacuum and there are many factors outside of our control which influence recruitment, including Brexit and a decline in the value of the pound to the euro over the last two years, making wages less attractive to EU citizens. This recruitment challenge for staff is not unique to Guernsey and is reflective of national experiences.

The Committee does, however, seek to work with industry through the Population Employment Advisory Panel (PEAP) to gain an understanding of the practical experiences of local businesses and uses this in real time to shape the development of policies. To date this term, this has led to changes such as the inclusion of senior carer on the employment permit policy, the reintroduction of the nine months on, three months off permits, and the removal of the five-year cap on residence for persons living in Open Market staff accommodation for residential or nursing homes.

Building on existing close working between our Committees, I have written to the President of Health & Social Care in order to understand the challenges facing the wider health and care sector in order that the Committee may consider any further policy developments.

The Bailiff: Are there any supplementary questions? Deputy Gollop.

Deputy Gollop: I do thank the President and the Committee for their answers and accept there are many other factors, ranging from cost of living wage in Guernsey to Brexit and currency exchanges and money, but would the President therefore argue that the Population Management Office's policy and implementation of those policies has not had an adverse effect on the care sector?

The Bailiff: Deputy Lowe.

Deputy Lowe: Sorry, sir, I seem to be having trouble with Deputy Gollop this morning – to be able to hear what you were saying, Deputy Gollop. Could you repeat what you were trying to ask me?

Deputy Gollop: My question is: does Home Affairs believe that the policy's implementation of the population regime has not led to a shortage of appropriate carers in the homes in the public sector?

Deputy Lowe: I think it is recognised that there is a shortage of staff in that particular sector across the UK and indeed outside of the UK. We will do our utmost to support businesses wherever we can with the policies in place, and part of the PEAP thing is that we work with them

and we work through that particular industry as well – and we can change policies within a week, if we need to.

The Bailiff: Deputy Leadbeater.

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Deputy Leadbeater: Thank you, sir.

Would the President agree with me that the issues, the problems that we are experiencing in sectors such as the care sector with recruitment and retention, are not solely down to the population management regime? It may be in part to the early uncertainty when it was introduced, but it is a perfect storm with the uncertainty over Brexit, the devaluing of the pound, the cost of travel to get on and off the Island and the fact that some of the jurisdictions we have historically attracted workers from, their economies are on the upturn. So, all of these things together have created a perfect storm, would the President not agree, sir?

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The Bailiff: Deputy Lowe.

Deputy Lowe: I do agree with Deputy Leadbeater and I think the answer to that is also covered in the next Question from Deputy Gollop.

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The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Following on from Deputy Leadbeater's question and the answer that Deputy Lowe has given, does she agree that it is not all down to population management? Her answer was yes – so therefore she is agreeing, is she, that it is partly down to that?

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The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, Deputy Ferbrache.

As I said, if there are difficulties ... and I think my Answer to the next Question, if you want to hear the answer to that one, will address it with the answer that you are looking for.

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Is it not the case, though – through you, sir – that when the former Housing Department, the Housing Authority, had ownership of licences it could react in real time, so you could extend the scope of the central licence, you could give nurses seven-year licences, the secretary could make representations to the political board and things could move fairly rapidly?

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Now we appear to have a filter process that slows it down, which is the Population Management Office. If it was politically driven, truly, does she believe that decisions could be made more quickly in real time to assist the employees, bearing in mind the Airport Manager says that they compromise on security service, or rather struggle to, because of the shortages in the service sector?

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The Bailiff: Deputy Lowe.

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Deputy Lowe: Thank you, Deputy Brehaut.

I could not disagree with him more. It is actually far quicker and far more efficient under the Population Management than under the old housing regime. There are over 250 job categories on the website, so employers can see exactly the type of licence. They did not know that before; they were working in the dark. So, it is far more efficient and far quicker now under the Population Management than under the old Housing.

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The Bailiff: Thank you.
Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

I just wonder if Deputy Lowe will agree with me that Jersey, who have a much more liberal approach when it comes to population management, are experiencing exactly the same problems as we are in regard to recruiting staff in certain sectors, and in fact their problems are worse, it seems to me. Would she agree with me?

Deputy Lowe: Yes, I do agree with you, Deputy Laurie Queripel. There are issues of trying to recruit staff not only here but in Jersey and beyond. Indeed, they did have far more of an open door policy and they are trying to actually put in a population management regime like we have got here in Guernsey.

The Bailiff: No one else?
Your third Question, Deputy Gollop.

Deputy Gollop: My third Question is this: the current policy of not granting longer-term residency employment permits for carers, domestics and catering staff in the care sector apparently does not aid recruitment. Will this policy be reviewed and revised at least on a short-term basis?

The Bailiff: Deputy Lowe.

Deputy Lowe: All policies under the Population Management Law are kept under active review and the Population Employment Advisory Panel was specifically established to provide a forum where professional expertise can be used to inform the development of employment permit related policy.

In this case, while the Committee has not, to date, received any direct representations from the care sector, we intend to work closely with PEAP to explore the policies currently in place, comparisons to other sectors, and the opportunities for the future. One of our regular meetings with PEAP is due to take place in the next week and this will feature prominently on the agenda.

The Bailiff: Deputy Gollop, a supplementary.

Deputy Gollop: In Deputy Lowe's Answer would she and the Committee welcome a direct meeting with representatives of the care sector to discuss their issues, if they happen?

The Bailiff: Deputy Lowe.

Deputy Lowe: Deputy Gollop, the Population Employment Advisory Panel was set up to be independent of Home Affairs. It is through their industry representative that it is fed through to PEAP, who then come, obviously, to Home Affairs to ask if there needs to be a new category put on to the website, bearing in mind this also fits in nicely with Skills Guernsey, where they are working with Skills Guernsey to ensure, where possible, that there are schemes put in place to train locally, because that would be the ideal and it would be far more beneficial to businesses if they have not got to go out and try and get work permits for their staff.

It is flexible and we do hear from people, and it is important we do so because it is no use – which we see, sadly ... Some will go to the media instead of going to PEAP, or indeed going to the Population Management. So, sending out a message that Guernsey is being closed for business, those that go to the media instead of working with the States have a lot to answer for.

1385 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

Very much related to this question but also broadened slightly, when the States approved the population control regime we were promised a full review post implementation, within I think a two-year period, carried out jointly by Home Affairs and D&R. Can the President tell us what progress is being made with that and when we can expect that to come back before this Assembly?

1395 **Deputy Lowe:** Yes, I can, Deputy Roffey. It is imminent. We have been working with P&R. There was an amendment that was successful. The review has taken place and I would envisage that will be here in the next couple of months.

1400 **Deputy Index:** Deputy Lowe – through you, sir – will that review include perceived pay and conditions deficiencies within the hospitality and care sector?

The Bailiff: Deputy Lowe.

1405 **Deputy Index:** Sorry, I beg your pardon, just for clarification, effectively what I am saying, Deputy Lowe – through you, sir – is that I am not entirely sure all the problems we have even are entirely related to the population management regime and may be related to the pay and conditions given by the businesses.

The Bailiff: Deputy Lowe.

1410 **Deputy Lowe:** Pay and conditions are not part of the population management regime. The population management regime is all about ensuring that there are work permits available for businesses to operate. Pay and conditions are if it is States' employees, a responsibility of P&R, and if it is outside of that it is a commercial decision.

1415 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I am sure we would probably all like to agree – I certainly believe we would – that we want to make Guernsey an attractive place to work and live. If it is the case that Home Affairs are waiting primarily for the PEAP to come towards them with their problems and concerns, that is just one person representing a whole industry. I would like to reiterate and ask the President again: would she consider meeting with industry as a whole, rather than relying on waiting for one industry representation person under PEAP to come to them?

1425 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, Deputy Merrett.

We are always open to meet with anybody, but in this States here we all approved that we actually have a Population Employment Advisory Panel and that it is independent, because previously there has been huge criticism over the years over the Housing Authority and how it used to operate, where certain businesses would be more favoured than others, (**A Member:** No.) some would get a longer licence, others would not. This is now a completely independent panel approved by this States to be able to do that. That does not preclude anybody getting in touch with the Population Management Office or indeed with PEAP, and if they wish to contact us as well of course we would be happy to meet with them. But to have it fragmented, that they could kick off, that they would come to Home Affairs on this day and actually they did not hear what

they wanted to hear, so they are then going to go to PEAP, but then they are going to go to Population Management – that is not joined up. What was actually designed by the States was far more efficient, working with employers. I have to say the majority of the employers have welcomed it and enjoy working with it.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I think my previous question was more about should we be more proactive rather than reactive, but I accept the President's answer to the previous question.

I did wish to do a point of correction on the President, sir. I just want to reiterate to the President that actually the Population Management Law was passed by majority. I believe in the President's response to the question she said it was passed by the States, which clearly it was, but I just want to reiterate and to reassure everybody that it was passed by a majority of the States, sir.

The Bailiff: I do not think that was a question.

Does anybody have a supplementary question before we move on to Question 4? No.

Your fourth Question, Deputy Gollop.

Deputy Gollop: The last question. Thank you very much, Mr Bailiff.

My fourth Question: a very large number of catering, restaurant, hotel and hospitality job roles, from table waiting positions to more junior chef roles, are ineligible for longer-term licences, apparently. Is the Committee aware of the severe staff shortages and trading concerns of the sector, which are being linked to the population policies and implemented outcomes?

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

As detailed in my previous answers, the Population Management Law is inherently flexible. The Committee has sought to use this flexibility to support the tourism and hospitality trade – for example, reintroducing the nine months on, three months off permits and developing a policy allowing identified hospitality roles to remain in Guernsey for a further two years and the other enhancement to the Employment Permit Policy. That being said, we recognise that Population Management alone cannot resolve the shortages that the sector more broadly is experiencing.

The Committee regularly meets with the Population Employment Advisory Panel, and while the Committee does not underestimate the challenges being experienced within the industry, we were comforted to hear at our last meeting that, in the opinion of PEAP, the introduction of the new population management regime in Guernsey in April 2017 has been a positive move in the right direction for industry. Indeed, industry engagement facilitated by the hospitality representative of PEAP earlier this year did not identify any specific recommendations to change to Population Management and instead recognised the positive steps that had been taken and the number of in-policy opportunities available to the sector. It did, however, identify opportunities within the immigration provisions, which are being considered.

We continue to welcome feedback from all employers and the wider community to develop our processes, but the administrator advises that the feedback from the majority of employers is positive.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, although I would acknowledge there has been positive feedback from the corporate finance sector in some areas, I have not heard that from the hospitality sector, and my

1490 question is: is there therefore a need for Home Affairs to instruct the Population Office to consider a more generous approach to longer-term licences for what are highly skilled catering positions in terms of customer service and chef abilities?

The Bailiff: Deputy Lowe.

1495 **Deputy Lowe:** Thank you, Deputy Gollop.

As explained – and it is a bit like a stuck record, really – we work with the industries, and the industries have actually, as I explained here, welcomed the population management. Of course, if there is a need to actually look at changing from a short-term permit or to a medium-term permit, that is within consultation with the industries themselves. I am grateful for the industry representatives who meet with us and feedback with us and work with us and indeed with their industry.

The Bailiff: Deputy Gollop.

1505 **Deputy Gollop:** I of course accept the truth and validity of the answers we have had, but as the elements of the industry, through their Population representatives, have clearly been satisfied, why isn't that message getting across to various catering establishments and business lobbying organisations, who the President has identified have been saying negative things in various media?

1510 **The Bailiff:** Deputy Lowe.

Deputy Lowe: The industry for the hospitality – we have a new representative who joined PEAP a few months ago, very active, very much involved and actually carried out a communication with the industry. We welcome that. He came to meet with us and we had the feedback from that, and that is where we have been working together, certainly on the immigration part of it all.

I do not know why some industry has not engaged – hospitality. As I said, I have read about it in the paper, but those same certain individuals do not necessarily engage with PEAP. You can take a horse to water, but you cannot make it drink.

STATES' TRADING SUPERVISORY BOARD

Foulon Crematorium – Cost of cremation; funeral package costs for those on lower incomes; new facilities due in 2021

1520 **The Bailiff:** I see no one else rising so we will move on to the next series of Questions, again from Deputy Gollop, this time to the President of the States' Trading Supervisory Board.
Deputy Gollop.

Deputy Gollop: Thank you very much.

1525 My Question is – the Question – in August, the BBC conducted a British Isles survey of 165 municipal or island run crematorium facilities with Guernsey scoring the second lowest price at £585 per cremation, some £150 lower than Jersey, for example. Does the States' Trading Supervisory Board hope to restrain costs in this sensitive area in order to encourage cremation as a reasonable alternative to ground burial for a loved one?

1530 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, the loss of a loved one is a very sensitive time, and the choice between burial or cremation is a deeply personal decision. Of course, that said, there obviously is a benefit to the Island, with limited land space to preserve cemetery space if possible if there are cremations. The differential cost for burials does therefore reflect this.

However the figures that Deputy Gollop refers to are not a like-for-like comparison. The basic cost of cremation in Guernsey is indeed £585. But unlike in other places that does not include the use of the chapel. That is an option that is offered and charged for separately, to give mourners the choice over where they wish to have the funeral service.

When the chapel hire is included, the cost of cremation in Guernsey is £731, which according to the survey that is cited by Deputy Gollop puts us in line with Jersey, where the cost is £738, and approximately 5% below the UK average.

So as a matter of general policy, the Foulon Cemetery operates on an operational cost recovery basis, and charges are set accordingly.

The Bailiff: Deputy Gollop, supplementary.

Deputy Gollop: I entirely agree with the President's viewpoint that it is a deeply personal decision relating to a large number of emotional and personal factors. But the interview with a civil servant with some knowledge, that the BBC played, suggested that in the dim and distant past, maybe at the time of the board administration, for example, there had been a policy of encouraging cremation in order to safeguard burial spaces, and so did the costs remain particularly competitive rather than expensive. Does the President have a view on that policy?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I think I have already answered it, sir, in the first Answer, in that clearly one thing that we have got in 24m² – one problem we have got – is competing usages of land, and although it is very nice to go around and see cemeteries and see people being buried there 200 years ago or whatever it may be, if we can encourage, in a gentle and sensitive way, cremation, so much the better.

The Bailiff: Your second Question.

Deputy Gollop: *[Inaudible]* ... new information too. Given the very competitive and appropriate cost price from our respected crematorium service, which is still lower than most other places, given the additional cost, why is it funeral package costs can be so high in Guernsey for families on lower incomes, as clearly the States is not unfairly benefiting?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Well, sir, having regard to the recent decisions made by the Labour Conference, perhaps we are one of the few places in the British Isles that can actually exercise some form of capitalism and democracy; and the actual Answer to Deputy Gollop's Question is that other than setting the change to the charges for cremation or burial at Le Foulon, the STSB has no control over the cost of a funeral in Guernsey and therefore cannot comment on the costs.

The Bailiff: Your third Question.

Deputy Gollop: The third Question is, is the project completion for the new improved crematorium facilities, with hopefully enhanced access for disabled people and a renewed chapel of rest, on track for reopening by the latest June of 2021?

1585 **Deputy Ferbrache:** Sir, I am very grateful, and sincerely grateful, to Deputy Gollop for that
Question, but it does give me the opportunity to update the States on that particular matter. Now,
subject to the Policy & Resources Committee's approval of the full business case for the
replacement cremators – and that should be with them shortly I am informed – it is anticipated
that work will commence on the site early in the New Year. The new cremators are expected to be
1590 operational in late summer 2021, followed by accessibility improvements becoming available in
early 2022. The accessibility improvements will include a number of enhancements such as a level
access through the front of the chapel; improved space for wheelchair access within the chapel;
accessible public conveniences; improved vehicular and pedestrian access and parking.

The Bailiff: Any supplementary?

1595 **Deputy Gollop:** In view of the improvements we were promised to be delivered, has the
project team, moving this project swiftly along, consulted with the Guernsey Disability Alliance,
Access and other groups in order to ensure that what they are doing is broadly approved and
understood?

1600 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Yes, sir. Again I think a very helpful supplementary question. The answer is
yes. Clearly the States decided that they would retain the cremators at the Foulon, and that was a
1605 recommendation of the STSB, rather than other sites. And it is on a hill. There will be improved
wheelchair access, it will be improved accessibility generally. There will be improved – I did not
know this word until my civil servant told me about it – it will improve wayfinding, whatever that
means. So it will be improved, that is the idea of it. But I am sure it will not be perfect and with
contributions from people like Deputy Hansmann Rouxel, hopefully the final product can be
1610 approved.

The Bailiff: I see no one else rising, that concludes Question Time and we will move on to
some Elections, Greffier.

Billet d'État XVIII

ELECTIONS & APPOINTMENTS

I. Administrative Decisions (Review) (Guernsey) Law, 1986 – The Appointment of a Panel Chair and Members of the Complaints Panel – Panel Chair and Members elected

Article I.

The States are asked to decide:

*Whether, after consideration of the Policy Letter entitled "The Administrative Decisions (Review)
Guernsey Law, 1986 - The Appointment of a Panel Chair and Members of The Complaints
Panel", dated 13th August 2019, they are of the opinion:-*

- 1. To appoint Advocate Michael John Adkins as a member and as the Panel Chair of the Complaints Panel;*
- 2. To appoint Mr. John Paul Bate as a member of the Complaints Panel;*
- 3. To appoint Mrs. Jennifer Lesley Benjamin as a member of the Complaints Panel;*

4. To appoint Mrs. Audrey Mary Branch as a member of the Complaints Panel;
5. To appoint Mr. Roy David Burke as a member of the Complaints Panel;
6. To appoint Mr. Ian Charles Carter as a member of the Complaints Panel;
7. To appoint Ms. Shelaine Kay Green as a member of the Complaints Panel;
8. To appoint Mr. David Gwyn Harry as a member of the Complaints Panel;
9. To appoint Mr. Nigel Boyd Kelly as a member of the Complaints Panel; and
10. To appoint Advocate Julia Anne Springlett as a member of the Complaints Panel.

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

1615 **The Deputy Greffier:** Article I, Policy & Resources Committee, the Administrative Decisions (Review) (Guernsey), Law 1986, the appointment of a Panel Chair and Members of the Complaints Panel.

The Bailiff: Deputy St Pier.

1620 **Deputy St Pier:** Thank you, sir.

I think the information before the Assembly is self-explanatory and I think really only leaves me ... gives me the opportunity to thank, I think in particular, the Greffier and the Chief Executive under the previous system and their teams for the work which they have done under the Review Board system over many years and ensuring that Islanders have had a route through which they can seek to resolve concerns about public administration. Other than that, sir, I obviously look forward to responding to debate or if anybody has any questions.

1630 **The Bailiff:** Is there any debate? No? We will go straight to the vote then on the appointment of a Chairman and nine Members of the Complaints Panel. I will put all of them to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them elected.

II. The Guernsey Legal Aid Service Appointment of the Legal Aid Commissioner – Ms Kathryn Macken elected

Article II.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "The Guernsey Legal Aid Service - Appointment of the Legal Aid Commissioner", dated 16th August 2019, they are of the opinion:

1. To appoint Ms Kathryn Macken to the office of Legal Aid Commissioner, with effect from 1 October 2019, pursuant to Section 16(1) of The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018, and
2. To note that the Committee has agreed that Ms Macken shall hold office for a period of three years, with effect from that date, pursuant to Section 17(1) of the Ordinance.

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

The Deputy Greffier: Article II, Committee for Employment & Social Security, the Guernsey Legal Aid Service, appointment of the Legal Aid Commissioner.

1635 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Sir, I do not think I have got anything more to add, I am happy to take any questions.

1640 **The Bailiff:** Any questions? Any debate? No? We go to the vote. Then there are two Propositions, I put both to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

POLICY & RESOURCES COMMITTEE

III. Independent States' Members' Pay Review Panel – Final Report – Debate commenced

Article III.

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Independent States Members' Pay Review Panel – Final Report' dated 1 July, 2019, they are of the opinion:

That the remuneration paid to Members of the States of Deliberation with effect from 1st July 2020 shall be as follows:

a.	President, Policy & Resources Committee	£71,248 *
b.	President: Committee for Economic Development Committee for Education, Sport & Culture Committee for Employment & Social Security Committee for the Environment & Infrastructure Committee for Home Affairs Committee for Health & Social Care States' Trading Supervisory Board Vice President, Policy & Resources Committee States lead member for external relations, Policy & Resources Committee	£54,744 *
c.	President: Development & Planning Authority States' Assembly & Constitution Committee Scrutiny Management Committee Member, Policy & Resources Committee	£46,599 *
d.	All other Deputies	£40,521 *
e.	Alderney Representatives with a seat on a Principal or	£22,365

	<i>Non-Principal Committee</i>	*
f.	<i>All other Alderney Representatives</i>	£13,233
		*

* *Social Security uplift to be deducted for those above the old age pension age with an adjustment in accordance with the change in Guernsey median earnings during 2019 provided that, in the event of a negative change, no adjustment should be made.*

2. *That, in the event that a President of the Policy & Resources Committee, a Principal Committee, the Development & Planning Authority, the States' Assembly and Constitution Committee, the Scrutiny Management Committee or the States' Trading Supervisory Board is unable to fulfil their duties for a period in excess of four weeks and the Vice President takes on the full responsibilities of the post, his or her remuneration will temporarily increase to the level of a President.*

3. *That the remuneration paid to Non-States Members of the six Principal Committees, the Development and Planning Authority, the Scrutiny Management Committee (including the Legislation Review Panel) or the Transport Licensing Authority from 1st July 2020 should be £2,154 per annum (with an adjustment in accordance with the change in Guernsey median earnings during 2019 provided that, in the event of a negative change, no adjustment should be made).*

4. *That the remuneration paid to Non-States Members of the States' Trading Supervisory Board from 1st July 2020 should be £8,615 per annum (with an adjustment in accordance with the change in Guernsey median earnings during 2019 provided that, in the event of a negative change, no adjustment should be made).*

5. *That any Alternative Alderney Representative shall be entitled to be awarded in respect of his attendance at a properly convened meeting of the States of Deliberation which he has been appointed to attend, pursuant to Section 4 of the States of Guernsey (Representation of Alderney) Law, 1978 an attendance allowance of £76 per half-day or part thereof (with an adjustment in accordance with the change in Guernsey median earnings during provided that, in the event of a negative change, no adjustment should be made), which sum shall be subject to tax.*

6. *That remuneration for States Members, Non-State Members and Alternative Alderney Representatives should remain benchmarked against median earnings, but shall be fixed for the four-year term of office in accordance with the measures outlined in the Panel's Report.*

7. *To direct the Policy & Resources Committee to continue to provide States Members with standard information technology equipment and software.*

8. *To direct the Policy & Resources Committee to present to the States of Deliberation for approval an amended version of the Rules for Payments to States Members, Former States Members and Non-States Members that would give effect to their above decisions.*

9. *To direct the Policy & Resources Committee to set up an independent review of the remuneration to be paid to States Members and Non-States Members not later than 1st May 2022; or at any other time in the event of a change in circumstances that has a significant effect on the roles and responsibilities of those Members.*

1645 **The Bailiff:** And that, I think, brings us to the business held over from the last meeting, Greffier.

The Greffier: Article III, Policy & Resources Committee, Independent States' Members' Pay Review Panel, Final Report.

1650 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I shall be very brief in laying this Report. This Report, Policy & Resource's role is simply to be the route by which it is put in front of Members. We are not responsible for its contents.

1655 The view of the Policy & Resources Committee – as I think in its predecessors in relation to the more recent reports – is that it is a matter for the independent review. We input into that, as I think probably other Members did too. The extent to which the Review Panel wish to take account of those comments is something which may or may not be reflected in the Report, but that it is a matter for them.

1660 It is the view of the Policy & Resources Committee that the Assembly should not seek to interfere with the recommendations of the Review Panel and we present it in those terms, sir.

The Bailiff: Deputy Dorey, you wish to lay an amendment?

1665 **Deputy Dorey:** Thank you, Mr Bailiff.
Please can it be read?

The Bailiff: Yes, Greffier.

The Greffier read out the amendment.

The Bailiff: Deputy Dorey.

1670

[Amendment 1:](#)

To replace Proposition 6 with the following Proposition:

'6. To endorse and confirm the following Resolutions of the States, numbered 6 and 8 on Item X of Billet d'État No. 1 of 2016 entitled "Review of States Members and Non-States Members Pay", made at their meeting held on 26th January 2016:

6. That the remuneration of States Members, Non-States Members and attendance allowance for Alternative Alderney Representatives should be automatically adjusted annually on 1st May, based on any percentage change in median earnings, as published in March each year. In the event of a negative change, no adjustment should be made. Should a percentage increase occur in the year following a negative change, the award shall reflect the percentage change from the year preceding the negative change.

8. That at the beginning of a political term, any States Member or Non-States Member who chose to accept remuneration would be required to decide either to accept or reject any changes in such remuneration that might result from any changes in median earnings during the relevant political term.'

Deputy Dorey: Thank you, Mr Bailiff.

Firstly, I would like to thank Deputy Le Clerc for seconding the amendment.

1675 Sir, I know, and Deputy St Pier has referred to it, a lot of Members do not believe we should amend an independent report on States' Members pay, and I have sympathy with that view. But there are times when an independent panel can reach a conclusion that is so wrong that it requires amending, and this is the situation with this Report. And actually, if you look back over history, the proposals have been amended a number of times over the years when they have reported back.

1680 The issue of whether pay should be increased annually and what should be the benchmark for the increase has been a problem for a significant number of years, but has been much less controversial for the last seven years. I will not go through all the history; I would like to highlight some of the changes in recent years.

1685 For the period 2004 to 2008 the rates were meant to increase by RPI per annum, but what happened was RPI increases for the first two years, after which the rate was amended to RPI minus one for the last two years, as a reaction to public criticism, because at that time it was considered that people were not receiving RPI pay increases and therefore the States should set an example.

The next independent panel's proposals for the 2008-12 term was that the rate should be fixed so they tried to predict the increase in inflation over that period in advance. This resulted in much public criticism because of a significant jump in pay.

The 2010 review for the period 2012-16 made a number of changes. This included removing the pension scheme, which resulted in a step increase, and that was again heavily criticised. The panel also concluded that the pay should increase annually in the future and the benchmark to use for that increase was medium earnings. I quote from the Report:

The Board decided that Guernsey median earnings was the most relevant benchmark. This figure encapsulates the movement of private and public sectors remuneration within the Guernsey economy. It noted that the median earnings in Guernsey was £27,430 in 2010. The Board also noted that the median [earnings] includes both full-time and part-time remuneration and considered this appropriate given its conclusion that virtually all Deputies roles were less than full-time and also partly reflecting the vocational element of the role.

The 2015 review in respect of the current term reached a similar conclusion that the rate would increase by the increase in median earnings each year with the addition of the option of not taking the increase but specifying that a decision must be made at the beginning of the four-year term. I think there was a reaction of various States' Members announcing that they were not going to take the increase at various points and it was considered to be for political reasons.

States' Members' pay increases has always been controversial, but there has been the least amount of criticism about the annual increases based on the change in median earnings than in other systems. So I think we have reached a situation where there has been less criticism, which is interesting because one of the points of the proposals in the Report saying that their proposals of a fixed one would lead to less criticism but in fact I think this has been the best system and has resulted in the least criticism.

So I was surprised the panel concluded that pay should increase by median earnings for next year only as it would be fixed for the other three years of the term. The panel's Report includes the following:

Any future Panels are likely to be sufficiently robust to deal with circumstances as they arise, impartially apply the six established principles of remuneration, and consider the benchmark link to median earnings as it stands at the time.

So the important point to note is that the panel are not challenging the link to median earnings. Instead of the annual increases they are effectively saying there should be a jump in four years' time based on the increase over the four years.

While a future panel might be robust enough to oppose such an increase history, as I have explained, tells us that the public will be inevitably led by the media and will not understand the reasons for an increase that is much larger than normal annual increases and there will no doubt be much adverse publicity because the size of the increase compared to the smaller annual rises. So their very point of trying to not get adverse publicity, I think that their proposals will lead to far greater adverse publicity.

The panel justifies their proposals by saying it brings the system into alignment with accepted business community practice. My view is that States' Members are not businesses. We include Members who come from all different backgrounds, who rely on the pay to differing degrees. The fairest method is to have an annual increase in pay rates.

This was the conclusion of the 2011 review and the 2015 review. The 2015 review included the option to opt out of the increase. So I have posed that the option will continue and that is why the amendment includes the exact Propositions from the previous review.

Also, interestingly, the panel carried out a public consultation and the results are in Appendix 1. You can see on page 16 one of the questions they asked is:

Do you believe that annual adjustments to remuneration should continue to be linked to the percentage movement in average median earnings?

The result was 59% said 'no' and 41% said 'yes'. Okay, there was a majority against it, but it was only a very small majority and knowing how potentially unpopular is any increase in States' Members' pay I would say that that was a fair ... not a justification for changing the system. And their conclusion included in this Report said:

The public was somewhat split on whether remuneration should continue to be adjusted annually in line with the percentage movements in average median earnings.

So, in my view, there was no large or clear majority that could justify the change.

I ask Members to agree with the recommendation of the independent panels of 2015 and 2011 that States' Members' pay should be increased annually, based on the increase in median earnings.

Please vote for this amendment, thank you.

The Bailiff: Deputy Le Clerc, do you second the amendment?

Deputy Le Clerc: Yes, sir, and I would like to speak now.

The Bailiff: Well, Deputy St Pier has the right to speak now, if he wishes to do so. Do you wish to do so?

Deputy St Pier: I am happy to let Deputy Le Clerc.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I would just like to make clear that I am not standing for election next year and therefore will have no vested interest in the outcome of this debate on the remuneration of States' Members.

I agreed to second this amendment as I am disappointed with the outcomes of the panel Review. And, sir, I will speak on this amendment and I will not speak in general debate.

The panel's terms of reference are set out in paragraph 2.3. And I would just like to highlight the last few lines:

This should include whether the current system fairly and properly reflects the nature of the roles of all Deputies, Alderney Representatives, Non-States Members and those elected to positions of special responsibility.

I will come on to this again later on during my speech.

I think it is also worth reminding ourselves that currently Jersey States' Members pay is £46,600 for a basic role, and the role really is no different to Guernsey. They have decided to freeze their pay for four years from 2018 to 2022, but their starting salary is much higher. And I was just thinking as Deputy Dorey was speaking that I am not sure that they also get a pension contribution on top of that. I did not have chance to quickly look that up.

So the panel, in paragraph 1.3 ... fixing remuneration levels for the four-year term ... consistent with the business community for a fixed term contract. But we are not talking about a business type of employment. Being a Deputy is a unique role, as evidenced by the many debates over the years where States' Members' pay is discussed, it is very difficult to compare with other employment roles or contracts.

My belief is that the panel were over influenced by the results of the public consultation and the panel do not truly understand the nature of the role of a Deputy. In particular, their view in paragraph 5.3 that:

...external interests, paid or otherwise, cannot be retained or accommodated.

1770 – is wrong. They can only be accommodated if the organisation is incredibly flexible and does not rely on their employee or volunteer being available at set times or a specific day. It could potentially be accommodated if a Deputy was self-employed in business or as a non-executive director, but these are not exactly run-of-the-mill roles available to all who wish to stand.

I know from my own personal experience of being both a President of a Committee this year, and as an ordinary Deputy the previous term, it is impossible to commit to set hours.

1775 I think there is very little recognition of the fact that States' Deputies are politically exposed persons. This comes with additional burden and intrusion on elected Members and their families. None of this has been acknowledged at any time in this Report, or previous reports. And to quote again from the Terms of Reference:

... properly reflects the nature of the roles of all Deputies.

1780 Nor has the fact the more onerous GDPR requirements and the fact that Deputies are self-employed – and I know that we have an uplift on the insurance element for being self-employed, but we face liabilities of any breaches. This potentially could have a huge cost impact on any individual. Again, this has not been recognised in any remuneration package or as part of the burden of responsibility of public office and the additional risks that Members may now face.

1785 I do think it is unnecessary to freeze pay for four years for exactly those reasons outlined by Deputy Dorey. The cost of living pressures faced each year by a Deputy are no different to those of members of our community.

We continue to obsess about public perception instead of fact. The perception is that Deputies do not earn their pay or any annual increases. The fact is that we need to attract good people to the role and reward them appropriately. This is the right thing to do instead of the popular thing to do.

Thank you, sir.

The Bailiff: Deputy Le Tocq.

1795 **Deputy Le Tocq:** Sir, I want to invoke Rule 26 (1) please.

1800 **The Bailiff:** Rule 26(1), that is the guillotine motion. Will those who have not already spoken in debate and wish to do so stand in their posts. I see four people standing. Do you wish to proceed, Deputy Le Tocq? I put to you then the motion that debate be terminated. Those in favour; those against.

Members voted Contre.

The Bailiff: Debate will continue.

Deputy Lester Queripel ... Oh, sorry, did you wish to speak, Deputy St Pier? You had stood and you do have the right to speak whenever you wish to do so.

1805 Deputy Lester Queripel.

Deputy Lester Queripel: Sir, thank you.

1810 I am not at all comfortable with this amendment. I say that on a matter of principle. I know that Deputy Dorey and Deputy Le Clerc are of the view that they have made it with the best of intentions but I am not comfortable with it and I will not be supporting it, unless one of my colleagues can convince me that there is a fundamental reason why I should.

Sir, I thought the idea of handing the whole issue of Deputy's pay over to a review panel was that the whole issue was indeed handed over to a review panel, and the States did not have any involvement, apart from submitting their views to the panel during the consultation period, of

1815 course. I thought the idea was that the States would then be freed up from the debate about how much they would be paid, when they would be paid etc.

And here we are being asked to get involved and being asked to meddle and interfere.

Deputy Gollop: I like to interfere.

1820

Deputy Lester Queripel: I hear Deputy Gollop says he likes to interfere, sir, well I wait with great anticipation to hear his speech.

Being asked to meddle and interfere in an issue that many Members of this Assembly and previous Assemblies have said is an embarrassment to us to have to comment and vote on. Some
1825 have even said it is immoral for Deputies to discuss their own pay. But seeing as we are being asked to discuss and debate an amendment to the Propositions put forward by the Review Panel, I am going to say what I feel needs to be said while speaking on this amendment, and saying the remainder of what I feel needs to be said when I speak in general debate.

Now, if we look at the last sentence in the second to last paragraph and explanatory note, we
1830 see that it tells us that the large increase that occurred in 2012:

... resulted in much public and media criticism.

Well, when doesn't any increase in Deputies' pay result in much public and media criticism? So that is not a justifiable reason to lay this amendment, in my view.

And if this is all about us trying to save face, well I get the whole psychological angle of the increases taking place on an annual basis instead of at the end of the term, but we cannot pretend
1835 these increases do not actually take place regardless of whether they take place annually or at the end of the term. But, of course, the reality is the majority of the public and the media do not want any increase to take place at all.

In fact there are many out in our community who feel that the role of Deputy should be a voluntary role, just as it was several years ago. The Island should be run as a business by people
1840 who run their own businesses (**A Member:** Hear, hear.) and if that is what people want then that is what they should have, as far as I am concerned.

If the Propositions were to, as of 2020, Deputies to no longer be salaried, so be it.

A Member: I'm alright, Jack!

1845

Deputy Lester Queripel: So be it, if that is what the majority of people want.

But getting back to this amendment, I have got a question for Deputy Dorey please, sir, when he responds on where does the involvement of the Assembly stop and where does it start regarding how much we are paid and when? Has a line been drawn somewhere that we are not
1850 allowed to cross? Can we only go so far and no further in Deputy Dorey's opinion?

Sir, I appreciate I might be missing a fundamental point somewhere along the line but, as I said earlier, I thought the whole idea of handing over this issue of Deputies' pay to a review panel meant that Deputies would no longer need to get involved. Suffice to say, I think this amendment undermines all the hard work and research the panel have undertaken.

Why ask a panel to carry out work, come back to the Assembly and then if we are not happy with certain things in the recommendations seek to change them? It is all rather pointless or rather futile in my view.

It seems to me as though this is all about image. For us to try to save face, because it looks bad to have one increase that could be spread across several increases. But surely we cannot
1860 pretend, we must never pretend or gloss over the fact that the increase is going to take place.

I am also struggling to understand why we are being asked to support an amendment that could result in an estimated cost to the taxpayer of £214,000, when the actual Propositions seek to make a saving of that amount. Now, I might be wrong in what I have just said but I will wait for Deputy Dorey or somebody to correct me.

1865 And on that note, sir, I have every faith that one of my colleagues will allay my concerns when they speak and tell me that I am wrong, I am completely on the wrong track with this one. I very much look forward to that enlightenment because at the moment it seems to me that, as I said earlier, this undermines the Review Panel and I do not feel as though I can support this amendment at the current time.

1870 **The Bailiff:** Deputy –

Deputy Lester Queripel: And in closing, sir, *(Interjection and laughter)* I draw the attention of my colleagues to the last line of paragraph 6.16. We were told that the reason the panel are recommending rates are fixed for the four-year term is because:

This would bring remuneration into alignment with the business community practice for fixed term contracts and also remove a level of administrative overhead.

So therefore, sir, to state the obvious, surely the question we all need to ask ourselves is do we want to do that or not? Do we want to align ourselves with business community practice for fixed term contracts and do we want to remove an overhead?

To finish, sir, I ask for a recorded vote please on this amendment when we go to the vote.

1880 Thank you, sir.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I was intending to speak immediately after the amendment had been laid, but actually it is probably more appropriate that I speak after both Deputy Le Clerc and Deputy Lester Queripel because actually both their speeches reflect the debate in which the Policy & Resources Committee had around its committee table on this amendment.

We have considerable sympathy for it. Indeed, it reflects our own input and advice to the Review Panel. The concerns which have been expressed by both Deputies Dorey and Le Clerc were the concerns which the Policy & Resources Committee had when it met with the Review Panel. However, as I perhaps implied in my brief opening speech when laying the policy letter, the Review Panel clearly chose to do what they wished with that input and promptly ignored it and produced the Report which we have before us.

So, whilst we have considerable sympathy, we also have the dilemma which Deputy Lester Queripel had or has when he spoke. Sir, I think both speeches do perfectly reflect the discussion which Policy & Resources had, which brings us back to our role which is the responsibility to present the independent report to Members for them to make a decision on. That is what we are seeking to do and we regard it as our position not to take a position on this amendment. I certainly cannot support it and I intend to abstain on it and leave it is a matter for the States of Deliberation, sir.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

I have sat through a number of these cringe worthy debates over the years and it is an odd thing where we set up independent panels, relay their results in front of this parliament for us to make a decision, and then say we should not ever touch them. I cannot agree with that. **(A Member:** Yes.) Either we say we are going to delegate the decision to an independent panel and whatever they say is automatically implemented or we do not. But if it is brought back to this Assembly anything at all that is laid before this Assembly, I think there is an onus on us to use our judgment and make the final decision.

I think, sadly, cringe worthy though it is, it is probably going to have to stay this way because if a panel went rogue and suggested we all got paid £100,000 and we said to the public, 'Sorry,

nothing to do with us, we delegated it', they would say, 'But it is public money, you need to control it', so I think we have to go through this.

So if you do not quite agree with what a panel is proposing, do you try and amend it? That is a tricky one as well. We will come into general debate, I know in a few minutes, but there are five areas where I think this panel have got it wrong. But when I sat down and really put the cold towel over my head, there were none of them that I felt that strongly about that I thought it was worth trying to amend the proposals of the panel, even though as a Deputy and an elected representative I feel I have the right to do that as I do with anything else that comes before this Assembly.

I am not coming from an avaricious point of view. I was one of those people that served in the States when it was almost voluntary, and I would do so again if that is what happened because I am just a political animal and that is what drives me. To some extent I disagree with Deputy Le Clerc: my instinct is that £40,000, particularly for a Deputy that of their own volition may not take on any Committee work, is actually incredibly generous and maybe slightly over the top. That is my stance.

But one of the five areas that I picked up is that I actually think it would be easier to have an annual increase rather than a four-yearly increase.

Deputy Queripel said, 'When was any increase not that controversial?' I would say about the last six or seven years, actually. I do not really remember there being uproar about a 2%, 1.8% or a 2.4% increase, but when there is a four-yearly review and it does a catch up exercise, it does. It creates a real schism in our community because, even though it is returning the real value of the offer to the next Assembly to exactly what it was at the beginning of the previous Assembly, it appears like very bad news for people who are getting 1% or 2% that suddenly somebody is getting an 8%, 9%, 10% or 11% increase.

So I understand where Deputy Dorey is coming from. I think in the present inflation environment it is probably not too bad because if it continues at a couple of percent – and who knows with what Brexit might bring, it might be totally different – but if it did continue up for the next four years I do not think in four years' time there would be that much of a problem. But as a matter of policy, because we could have a 4%-5% inflation situation again, trying to then put forward a 20%-25% increase term-by-term, I think would be misunderstood and very difficult to explain, even though there would be no real increase on what the previous Assembly were getting. So I felt sort of the same way as Deputy Dorey, but unlike him I did not feel strongly enough to try and actually put a spoke in this particular set of proposals.

I do not know which way I am going to vote because one side of me says I have only seen a stymieing as a small saving. I also do not want to be interfering with an independent panel, unless I feel strongly enough about it, and I have to ask myself do I feel strongly enough about it? And if I am to be critical of one element of the amendment – and I know what Deputy Dorey has done is just lifted the proposal from the previous independent panel – I would feel more comfortable if it did not have the bit where States' Members have a floor so that if average earnings or median earnings went down ours did not. I think if you want what is good for the goose as good for the gander and if we want to have the increases, if heaven forbid we reached a period where there were two or three years of falling average earnings or median earnings to actually feather their nests against that, I would feel uncomfortable.

I think, on balance, I am probably going to go against but I do very much defend Deputy ... both his right in principle to bring an amendment to this sort of report, because if anything is going to come before this Assembly we must maintain that right, otherwise it is a sham. I also understand his rationale on where he is coming from, and he can have a go at convincing me if he likes, sir, at the end. But at the moment I think, just marginally, I am going against him on this one.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I do not agree at all with the approach taken in general in terms of setting the remuneration of States' Members and I will explain why. I have tried before by amendment – I think my amendment lost on a tied vote, if I remember – to not have this four-yearly cycle of a new panel that convenes – I mean, even if they are more or less the same Members they are still a new panel – that convenes every four years and reconsiders again from scratch the whole question of States' Members' remuneration, which inevitably means the States then have to have a debate on it every four years and inevitably, because it is in the nature of panels, they make recommendations to adjust things here or there.

I think what should happen is that there should be a – it would be reasonable for it to be done by an independent panel – but a set of policy should be established which results in a level of remuneration being set and then it should be adjusted annually according to an index and it then should just be left alone. Now it might be that 10 years after; 15 years in the future it would have to be reviewed because there may have been changes in the role of a Deputy or the structure of the States or whatever, but that is how I think the whole thing should be set. So I do not want to have this debate every four years and I have tried to persuade the States not to. But the States want to.

Deputy Gollop: We do not need to.

Deputy Fallaize: Well, Deputy Gollop says the States do not want to, but the States have had a chance not to have to do this and did not take that chance.

It is a bit odd in Guernsey that we continue to have this debate in 2019 about the merit of salaried elected members of parliament. This is a question that was settled in most jurisdictions about 150 years ago, because if you do not pay adequate remuneration to allow a broad range of people to stand for election you get a parliament which is overwhelmingly older, wealthy and male; and because that was considered decades ago in most other jurisdictions – not that there is anything wrong with being older, (**A Member:** Hear hear.) (*Laughter*) wealthy and male. But – Deputy Le Pelley says I will get there; I might get two of them. (*Laughter*) But because it was felt that it is valuable to have a broader range of people at least standing for election – it is up to the public who they elect obviously – but to have a broader range of people standing; having salaried positions helps to achieve that. Whether it helps to improve the quality of government or not is a different matter.

Now, the issue with this amendment is; I am not sure how I will vote on it and Deputy Dorey will be surprised when he sees that because I told him I would vote for it. And I do agree with it, but I do think it is problematic to start amending this panel's Report unless the States feel they have made a really serious error and I am not yet convinced whether I think this is a sufficiently serious error for the States to intervene. (**A Member:** Hear hear.)

I actually think what should have happened here, and I regret that I – well, I was going to say I have not had time to lay an amendment but that is a feeble excuse, I just have not done it. I think what should have happened is the States should have said, 'We think that it is an error not to apply index related annual increases, partly just because it is not a sensible thing to do and partly because it inevitably results four years later in a very substantial rise'. And I think that it would have been sensible to have sent the panel back, not to have started redoing its work for it but for the States to have tried to do what the Policy & Resources Committee tried to do and to say to the panel, 'Look, we think this is an error of judgement, will you please reconsider for these reasons?'

Now, if the panel had come back and said, 'Look, we have reconsidered and we still think that you are wrong and we are right' – bearing in mind they did not invite any representations from previous States' Members or former States' Members or potential future States' Members; which I think is unprecedented. I think this panel has essentially decided that it knows what is best in terms of States' Members' remuneration and as long as it continues to be appointed it is just going to carry on making broadly the same recommendations. But it did not take representations;

wide representations. I think it would be reasonable for the States, if indeed the majority of the States think this is an error, for the States to send the panel back to re-examine the matter.

2020 Now if the panel comes back and says, 'Look, we have re-examined it, we have looked at what happens in other jurisdictions, we think our original recommendations were right', I think I would be inclined just to accept them; because I do think there is something slightly unseemly about the States playing around with the recommendations of the panel, particularly where the States would be increasing remuneration in practice in the next term of the States, rather than reallocating
2025 remuneration between roles, which I think is a slightly different matter. So that is the way I feel about the amendment.

If Deputy Dorey can convince me that this is a sufficiently serious error then I think it is reasonable for the States to intervene. I do think the panel have got it wrong, but I am not at this present moment sufficiently convinced that it is sufficiently serious for the States to intervene. But
2030 I will vote against Proposition 9, incidentally – I think I am speaking in general debate so I will forego my right to do that. I think the States should vote against Proposition 9 which is to direct P&R to set up another independent review of the remuneration to go through the whole sorry and unnecessary cycle again; and if Proposition 9 is rejected I think either what is voted for by the States today will continue in perpetuity or better still; well, as Deputy Dorey says, then there will
2035 be a permanent freeze. Of course in practice there would not. I think we ought to get onto the basis of a panel simply assessing once what the correct basis is of remunerating States' Members and then sticking with that for much longer than a four-year cycle.

I think this panel is doing completely unnecessary work and generally speaking, although I am sure they are doing their best and they are honourable people, but generally they are making
2040 unnecessary tinkering adjustments every four years when we should just have a kind of consistent coherent basis and remuneration should be adjusted annually once the original framework for remuneration has been set out.

The Bailiff: Deputy Parkinson.

2045

Deputy Parkinson: Thank you, sir.

Well I am going to support the amendment because I think the internal logic of the panel's reasoning is simply flawed. There are many bases that could have been adopted for setting States' Members' pay. They could have benchmarked our pay against the pay of representatives in other
2050 legislatures, they could have fixed it in relation to some grade in the Civil Service; any number of permutations were possible. But what they chose was to link States' Members pay to average earnings. I am perfectly happy to accept that conclusion. What I am not happy about is to accept a recommendation that says, 'Okay, it will be linked to average earnings in year one but not in years two, three and four'. To me, you have got to do one or the other.

2055 You have got to – I think I agree with Deputy Fallaize – there should be some kind of long-term formula, if you like, for setting States' Members' pay; probably we do not need to debate this every four years. But if the benchmark is to be average earnings then let it be average earnings. To have it average earnings minus a random piece makes no sense to me at all. And because I think the panel have just been internally illogical I cannot accept their recommendation, and for that
2060 reason I am going to support the amendment.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir. I will try to be brief, because I do think we are on the verge of
2065 a bit of navel-gazing here.

I do wish that I lived in the same world as Deputy Fallaize and his utopia, because I actually believe he is right. And he may have tried that in the previous States but maybe Deputy Fallaize should remember, sir, that this is a different States that he has not tried that on. Maybe that is one

of the problems we have, returning Deputies that think that one States will not agree, so another States will not even do it.

Now where Deputy Dorey got me, sir, was on the wider demographic. He said, and I cannot do it verbatim, but he basically said, 'If we get paid, and if there is an annual increment, then that is going to potentially attract a wide demographic', and that is something I want to see in this Assembly; this Assembly who is meant to represent our community. It is not meant to be a privilege for the wealthy, sir. (**A Member:** Hear hear.) There are members in this Chamber that dedicate full-time to this role – *full-time* – and they do not have any other income coming in. This is the only pay that they have, and of course this amendment that is part of the paper today, sir, only talks about pay. It does not even talk about the resource that Members have, which would be another difficult conversation perhaps for this Assembly.

So, sir, I believe it is time to stop wearing our hair shirts, it is time to stop hitting ourselves over the back and making this an issue that, as I think Deputy Lester Queripel said, is all about the image. Well I disagree, sir. I think it is all about attracting a wide demographic of representation in this Assembly. An Assembly full of retired business people, be they male or female or 2.35.21? demographic or those that do not need to work for pay obviously has its downsides, sir. I agree with Deputy Fallaize, many assemblies have resolved this centuries ago and it is embarrassing to be speaking about this again today.

But I will be supporting this amendment and I thank Deputy Dorey for bringing this amendment to the Assembly. Because Members of this Assembly – or actually it is not this Assembly, that is the other thing I should have done a point of correction potentially on, because another Member said 'Our pay' and of course it is not our pay, is it, sir? It is the pay of a future Assembly, we do not know who may or may not be elected; it is the pay of the future Assembly, sir. We do not know what those people's backgrounds will be, we do not know if they will intend to dedicate a full-time role to this job, as I have done, sir, we do not know that. We do not know the makeup of their families, whether they have got dependents, whether they have got children or dependents of an older demographic; we do not know any of this.

So if we do want to have an Assembly that represents our community, if we want to have an Assembly that has got a wide demographic, then we need to – we need to, sir – ensure that not only do they have the pay that enables them to put food on the table and pay their bills, but also they have a resource to enable them to do the role of a Deputy. So with that, sir I will sit back down; and I do hope that Members will take into consideration that we could really stop navel-gazing and get to the vote before lunch recess.

Thank you, sir.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

The way I see this is the amendment adds or could add £250,000 to the wage bill, and I feel very strongly that we have to control spending at the current time and into the next few years. Due, basically, because of the comments that we have heard in recent statements from Deputy St Pier with regard to the fairly fragile fiscal situation that we find ourselves in over the next year or so and also to the uncertainty that Brexit brings.

And we have just received, actually, some comments from Jersey which they are quite concerned about; because they have had a fiscal policy panel looking at the impact of Brexit alone and as a result they feel that Jersey's economy could shrink by 2.5% as a forecast into 2020 and a further 1.4% into 2021; and that is an independent body advising the States of Jersey. So I think we have to be very cautious here in our aspirations, if you like, for the future and I would sort of support that element of caution with respect to the review of salaries and to see that in fact we control spending wherever we can; and I think this is one area where we can commit to some restraint.

Thank you, sir.

The Bailiff: Deputy Inder.

2125 **Deputy Inder:** Sir, this is funny, our debate, because the majority of the people who have spoken so far were the same people that were critical of me laying a requête not so long ago to reduce the presidency of the SACC salary down to what effectively would be the standard rate. And the message back then was it was the wrong requête, wrong time, wrong place, and we have to wait until the review, and that is what we should be adopting.

2130 But I am going to talk about the job for a moment. Now, unlike the people that we walked through today when we came into this Assembly, those protesting about their pay negotiations, we do not work as hard as the nurses, we get paid more than a number of their bands, meetings often start at 9.30 a.m. when the traffic's gone, so actually if you are working in a family environment it is actually not a bad job to have. Deputies can actually pick and choose the input that they have, so you can work extremely hard, some can basically coast, and no one dies in our arms.

2135 This is the wrong day to be having this debate. It is absolutely the wrong day to be having this debate. We should have done exactly what Deputy Le Tocq suggested, the 26(1), we should not be discussing this. I remember specifically and consistently people told me that we were supposed to wait for the Independent Review Panel. This is their response and this is what we should be adopting. This is not the day to be debating our pay when we have got nurses outside and on the streets of this Island; and certainly some of the smaller bands are getting paid effectively derisory amounts of pay and conditions and we are sitting talking about figures between £40,000-70,000.

This is the wrong day.

2145 **A Member:** Hear, hear.

Deputy Leadbeater: Can I vote Rule 26(1) please, sir?

2150 **The Bailiff:** Alright, 26(1) again. Those who have not spoken and wish to do so, please stand in your places. Two people are standing, do you wish to proceed?

Deputy Leadbeater: Please, sir.

2155 **The Bailiff:** I put to you the motion that debate be suspended. Those in favour – sorry, that it should be *closed* – those against. That was carried. So, Deputy St Pier has already spoken –

Deputy Lester Queripel: Sir, can we have a recorded vote on that please.

The Bailiff: Oh, do you really need it, Deputy Lester Queripel?

2160 **Deputy Lester Queripel:** Sir, people change their mind when they are being asked for it to be recorded.

2165 **The Bailiff:** I will ask you again – if you request you are entitled to, I will ask you the question again though – do you wish to have a recorded vote?

Deputy Lester Queripel: People change their mind, sir.

The Bailiff: Well that is not a ... Do you wish to have a recorded vote yes or –?

2170 **Deputy Lester Queripel:** Yes, please, sir.

The Bailiff: We will have a recorded vote then on the motion that debate be closed. I said suspended earlier but it should be closed – debate be closed.

There was a recorded vote.

2175

Not carried – Pour 15, Contre 17, Ne vote pas 2, Absent 6

POUR

Deputy Langlois
Deputy Soulsby
Deputy Oliver
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Meerveld
Deputy Inder
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Le Tocq

CONTRE

Deputy Brouard
Deputy de Lisle
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Alderney Rep.
Snowdon
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Lester
Queripel
Deputy Le Pelley
Deputy Merrett
Deputy Fallaize
Deputy Lowe
Deputy Laurie
Queripel
Deputy Paint
Deputy Dorey

NE VOTE PAS

Deputy St Pier
Deputy Stephens

ABSENT

Alderney Rep. Roberts
Deputy Tindall
Deputy McSwiggan
Deputy Trott
Deputy Dudley-Owen
Deputy Smithies

The Bailiff: I think you were right, Deputy Lester Queripel. *(Laughter)*

Deputy Lester Queripel: I rest my case, sir. *(Laughter)*

2180

The Bailiff: Perhaps it is time I retired! *(Laughter)*

Well, the voting on the guillotine motion was 15 in favour with 17 against and two abstentions. I declare it lost. We will therefore continue with debate and Deputy Ferbrache was standing but Deputy Gollop was also wanting to stand. Which of you wishes to go first?

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Deputy Ferbrache: Deputy Gollop can go first.

The Bailiff: Deputy Gollop.

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Deputy Gollop: I can go on until lunchtime then, because I have actually been working on an amendment as another alternative, perhaps for a more austere States; because I think there is a lot of ... I have heard some interesting speeches today, but I am struggling to agree with most of them.

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I mean, for example, Deputy Lester Queripel was saying we should follow what the public want and if the public want States' Members to have no pay that should be how it should be. And regardless of the arguments Deputy Merrett has made about democracy, and Deputy Fallaize, the problem is, who are the public here? They had 131 responses. That is a lot less than most consultations of the States and we do not know who those people were and how representative they were and clearly at least half of them supported States' Members' pay to a greater or lesser extent.

2200

The people I am unhappy with are not the panel, who are all well-known to us, who are very public-spirited individuals and have diligently gone about their task. The problem I have is with the process, as Deputy Fallaize has identified, but Policy & Resources Committee in the way they

have implemented the previous Resolution. The view of 2016 was that the panel that reported at that time were clearly in a rush because they had been appointed rather late in the day. There were two members of that panel, Mr Rodger and Mr Digard, who have continued I believe with the new panel. The new panel is gender diverse, it has got two males, two women, but the thing is it would be not unfair to say that three of the four members of the panel are non-executive directors of a certain generation and only one of the panel is actively working, of the younger demographic.

The problem is how representative is the panel and how representative is the panel's views that they have accorded from their public consultation survey? And I would argue that it is not a clear cut view of what the public want, but it is a view that they have ... More or less, it is the kind of sensible view that probably most people would go for, but I am sure Members will be up in arms if a panel comes out with halving the salary or doubling the salary as Deputy Roffey intimated. That is why it is extremely difficult for States' Members to let this issue go. There is another reason why it is even more difficult to let it go, and that is because we are supposed to be encouraging Members of all kinds, a wide population, from people who may be 20 to maybe 80, I mean across the spectrum, to have a more representative Assembly. Recently I was on a Committee which was looking at the modern jargon and I went to a conference of –

The Bailiff: Are you speaking on the amendment or in general debate?

Deputy Gollop: In general debate really, but –

The Bailiff: Yes. Have you got anything to say on the amendment? (*Laughter*)

Deputy Gollop: Well, the amendment is a bit of a dog's breakfast but it is better than the Report. So for that reason I support Deputy Parkinson's logic in that the Report even goes against its own rationale. But Deputy Inder's arguments that we should not be discussing it are fair enough. I contemplated putting a sursis to the Report precisely because of the wider pay issues the States find themselves in.

But the point is we are moving into an expensive and unknown and unforeseen era of the Island-wide election and I think that this Report is very deficient in not acknowledging the possible extra costs candidates will have. It dismisses the parachute arguments, yet we see in other jurisdictions that we have those as well. Deputy Le Clerc mentioned the States of Jersey; I note that some of our Members have recently gone to a conference on the Isle of Man. The Isle of Man representatives, albeit a smaller number than ourselves, are paid extremely generously. We are talking there; they start at £43,000 a year, then they get £7,000 a year expenses, then a 10%, 20%, 30%, 40% uplift for ministerial or departmental or committee chairing responsibilities and then an extra subsidy for traveling around the island and going off the island.

Now Guernsey is lower than Jersey and lower than the Isle of Man.

A Member: How do you mean?

Deputy Gollop: – and what we offer is a competitive pay package to retired people who are already receiving pensions or people who are able to combine it with existing careers, but is uncompetitive to most people except, I am afraid, nurses. Possibly some nurses would have a pay uplift if they worked here, but I suspect strongly that most teachers, most civil servants of a certain grade, would not improve their material chances by being here. And I think my amendment, should I place it, will be very much that we should have a level playing field and not have all these uplifts and down-lifts for different types of committee membership and presidency.

I think on this occasion Jersey have got it more right than we have and that we should have a one-size-fits-all and the next States should, in their first year, assemble a new kind of panel who would look at things in a different way. Because we see very little reference here to job roles and

2255 responsibilities, to how the new States, to comparison with our parliamentary colleagues elsewhere, to what would attract candidates from different walks of life into the States. It is not sufficiently detailed or developed – this Report. And therefore I am tempted to – actually I will – vote against the whole Report when it comes to the final vote.

2260 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, I understand the point made by Deputy Parkinson about; you look at average pay, that is the basis of it and that is why we should follow the amendment and reject the relevant parts of the independent panel. But there I am confused, because when I look at the amendment, which I know is brought by two honourable people for completely honourable purposes, it does not quite say that. And I am talking about the proposed Proposition 6, because it talks about remuneration of States' Members etc., and then it says, 'in the event of a negative change no adjustments should be made'. So therefore, if you have a fall in average earnings in a year, States are going to be protected against that because the amendment proposes that there would be no negative adjustment. So therefore if Brexit comes and average wages plummet by 20% States' Members will be protected from that. Now how can there be any justification for that and how does that accord with the sentiment expressed by Deputy Parkinson?

2270 Now I fully accept that the States should be representative and I fully accept the point that Deputy Dorey made: States' pay forms for some people all their income, for others it is a relatively small percentage. And also we do not want a States made up of elderly, male, wealthy people. I am elderly and male – two out of three! *(Laughter)* I am quite happy with two out of three. *(Laughter)* And it is not a full-time job for me and I do not think it should be with the position I hold. Others do it full-time. I was in this room for an hour yesterday and another courtroom yesterday afternoon, quite enjoying what I was doing. But in relation to where we are we do want a mix of people.

2280 And I actually do not think this States is representative, because I do not think this States generally accords with the views of the people out there. But that is up to the people out there to put themselves forward **(A Member:** Hear, hear.) for election and have a more representative Island that accords with the wishes of people in relation to education, that accords with the wishes of people in relation to business; that actually has more people that understands the need of business. So that is what I think is out there and is not in here.

2290 But if you have an independent panel then they should only be tinkered with – no, they should not be tinkered with – they should only be altered if they are dramatically and significantly wrong. And I do not think they are dramatically, significantly wrong, albeit like Deputy Gollop I am going to vote against their proposals because I actually think that the States' Members are well-paid. Because it is not a career; it is not pensionable, it should not be a career, because people should move in and out the States over a period of time. **(A Member:** Hear, hear.) I think – and I do not mean any criticism to anybody – I do not think anybody should be in the States forever – forever being during their mortal life. And I know there might be one or two, perhaps even one of whom is not here, who thinks they are immortal, but we are not. *(Laughter)* We are not. We are mere transient occupants of this Earth and this Assembly.

2300 So in relation to that we should actually be saying, I think, but it may stray beyond the amendment – I am not going to speak again anyway – that States' Members should not earn more than the average wage. Whatever that average wage is, that should be what they should earn and that is the adjustment that should be made annually because there are figures put forward, that the annual wage is x and that is what it should be. So therefore, Deputy Parkinson's logic is flawed; Deputy Dorey, I am sure, inadvertently is seeking to be protectionist of States' Members by saying they should not be subject to the normal vicissitudes of life that people are subject to outside there, and as I say, this is not a career, and should it not be.

2305 **The Bailiff:** Deputy Oliver is signalling something to me: what are you wishing to ... no?

Deputy Oliver: Can we vote on it now?

The Bailiff: No, Deputy Dorey is entitled to sum up. *(Laughter and interjections)*

2310 I see no one else wanting to rise. How long are you likely to be in closing, Deputy Dorey?

Deputy Dorey: A few minutes, sir.

2315 **The Bailiff:** A few minutes? Well, I propose then that we continue and conclude this before lunch. Those in favour of continuing; those against.

Members voted Contre.

The Bailiff: I think that is lost, unless Deputy Queripel wishes to call a recorded vote. *(Laughter)*

So we will rise and resume at 2.30 p.m.

*The Assembly adjourned at 12.31 p.m.
and resumed at 2.30 p.m.*

**Independent States Members' Pay Review Panel –
Debate concluded –
Proposition 9 carried**

2320 **The Bailiff:** Right, does anyone else wish to speak on Deputy Dorey's amendment before Deputy Dorey replies to the debate? No. Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

2325 I did research what had happened in previous debates on States' Members' pay and I think in 2004 there were two successful amendments. In 2008, there were five amendments and one was successful. In 2012 there were five amendments, one was successful; going from the website there were at least four in 2016, and two were successful.

2330 So there has been a pattern that the States' Assembly has not just accepted a report from an independent panel and there have been a number of attempts to amend and some of them successful. I have not proposed any of those amendments in the past and I did think about it very carefully before I brought this amendment but having seen that we have finally found a successful formula for the increase in States' Members' pay, that seemed to avoid all the negative headlines that we repeatedly have had in the past, I think the situation has so significantly improved that I could not just sit there and say, 'this is wrong,' and not do something. I could not be true to myself and say that.

2335 Ultimately, you will make the decision whether this is the right way, but it is what was proposed by not just one previous independent panel, by two previous independent panels and people say, 'independent panel is right'. A lot of these Members in this Chamber were there, not everybody, in previous States, and they agreed to previous independent review panels and they have not justified the change that they are making. The biggest justification they have given is for adverse publicity but that is, I believe, 100% wrong and that is what I tried to prove.

2340 The other point was the point that Deputy Le Clerc made about a business, which was also mentioned in debate. We are not a business, we are individual people. If it was a business and if we had been tendering for a four-year period, they would have an inflationary element in their tender. That is what the attempt was in 2008, to put an inflation element in, which resulted in a

2345 big increase, so they tried to predict what inflation will be. But that is not right, the best way is to react to the situation by a formula.

She mentioned about our hours. It is impossible to commit to doing other things on a regular basis. The whole point of being a States' Member is the flexibility to be available. We get called to meetings at short notice and at all various times. So that is the situation. As she said, we need to attract the right people into the Chamber and we are all subject to cost of living pressures.

2350 Deputy Lester Queripel has said he is not comfortable with this amendment and he said there has been an independent review panel. These proposals are exactly the same as what has been proposed before by independent panels and I have not tried to change it. There was mention about the negative element in it, that it does not decrease, and Deputy Ferbrache also mentioned that. Again, I have not tried to change it. But what would happen if we had negative increase in median earnings?

2355 Yes, the pay would remain the same for that year, but that negative would be offset against any future positive one in a later year, so that negative would still be a factor. So if you had a minus one this year, the pay would stay the same, if it was plus two next year, you would only get a 1% increase, because you would offset the two against the minus one. So the negative is not lost but it does not result in a reduction.

2360 He has mentioned about adverse publicity, but I think I have covered that point. He mentioned there will be savings. Yes, and Deputy de Lisle also mentioned about there will be savings in the proposals. Effectively they are saying that the States' Members' pay be benchmarked against the median earnings and from the words they are saying, it will be increased in four years' time. So the savings are only temporary, so there will then be a significant jump in four years' time. So they are not real savings. Yes, there are some savings in that year but that will be used up in a later year. It is not the best way of going forward. The best way of going forward is to have annual increases.

2370 Deputy St Pier said P&R had all the same concerns. Well I am pleased with that because he has done the same analysis as me and I would ask him to have the confidence to actually vote for the amendment, because he knows it is right. He might be voting against this independent panel but he has voted in favour of the previous two independent panels. So he is not going against an independent panel, he has spoken in favour of two independent panels. *(Laughter)* I would urge him to have the confidence to vote with those two previous independent panels.

2375 Deputy Roffey says we have got to use our judgement. We get consultants who are due to report. Just because a consultant is obviously a specialist in a subject; we do not always agree with them. Ultimately we are here to make the decisions. That is what we have been elected to do, that is the system, and therefore you have to look at it and say, 'Is this wrong, or is this right?'

2380 If you truly believe, and Deputy Fallaize spoke about it, and he said that he thinks it should be annual increases, but he did not seem to be wanting to vote against the panel. I say, if you think it is wrong, your responsibility is not to the Members of this Assembly, it is for the Members in the future Assembly. The most important thing is that we have a diverse group of people who want to be in this Assembly. Many people can say it is an easy job, but it is not, and I think we should be remunerated sufficiently. I think annual increases is the right way forward.

2385 Deputy Roffey mentioned that our pay is generous. I have sat here and been critical of previous pay, because we used to have pay and we used to have an expense allowance. Somebody mentioned that the Isle of Man has. I visited the Isle of Man and they have desks, offices for them as well, among many other things. They are so much better off, in terms of politicians.

2390 I am not saying that but you must remember that the money that we get is not just your money, it also includes an expense allowance, because that used to be paid separately and the previous one, we said to make it immediately simple, we would include it in pay. That was tax-free and now that is taxed. Also there is the pension for States' Members. That was removed but the pay was increased. So you have to look at the whole package before you reach a conclusion that it is generous.

Deputy Fallaize spoke about an independent report and I think I have covered that in my comments I made earlier. I agree with Deputy Parkinson, it is illogical, because if they truly believe that there should be no increases, then why are they saying that there should be an increase for 2020, so there is an increase in year one but not in two, three and four. They are not even consistent in the way they have approached it.

Deputy de Lisle said we need to control spending. I completely agree. But in fact this is re-control spending. Whatever is happening in our economy is reflected in the median earnings. So it is directly related to what is happening in our economy. That is why we struggled and, as mentioned, we used to be related to Civil Service pay, we used to be related to RPI. All those were criticised as being wrong and this is the formula that the 2012 review concluded on and it is the right formula. It does reflect what is happening in our economy. If people are not getting more money in our economy, we will not get more money. You have to be cautious. I think it is cautious, because of that point.

Deputy Inder talked about high-profile, populist comments about making comparisons and the timing. The timing is never right. In the past, the reports always came in the election year; so they came in January or February and people said, 'That is far too close to an election.' So the conclusion, after the last one, was that we would do it earlier. So it has come earlier. There was always a group there was some negotiation with ... the timing is never right. You have to put that aside and look to the issue of States' Members and what is right to attract the best people in terms of diversity and make people want to be politicians in the future.

I think I have covered all the points that were made and I thank everybody who has spoken and I thank everybody who has spoken in favour and I urge you just to think, what do you think we should do to our community in the future to make sure that there is not adverse publicity for States' Members' pay, to make sure that we do attract this diverse group of people in this Assembly to make the key decisions for our community and I think the best way is annual increases.

If the panel really believe that the pay was the wrong level, I would much prefer that they actually came back with a proposal to reduce the pay but keep the annual increases, because I think that is the right way. But, effectively, they are saying that, in the first year of the next Assembly, you will be paid at rate x, but in the next three years, you will be gradually paid less and less. That cannot make any sense.

So I urge you to put your initial concerns about going against an independent panel aside, and think that you are voting for two previous independent panels, which have reached an independent conclusion which, I believe, has had public support and the fact that their own report shows that 41% of the public who were asked, at that level, 130 people, the views are split, so there was not a significant public reaction against having an annual increase related to median earnings.

So please support this amendment and do in your hearts what you know is right.

Thank you.

The Bailiff: And there has been a request for a recorded vote on the amendment. So we vote on the amendment proposed by Deputy Dorey, seconded by Deputy Le Clerc.

There was a recorded vote.

Not carried – Pour 12, Contre 19, Ne vote pas 5, Absent 4

POUR

Deputy de Sausmarez
Deputy Roffey
Deputy Tindall
Deputy Brehaut
Deputy Tooley

CONTRE

Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy Prow
Deputy Oliver

NE VOTE PAS

Deputy Brouard
Deputy Le Pelley
Deputy St Pier
Deputy Stephens
Deputy Le Tocq

ABSENT

Deputy Dudley-Owen
Deputy McSwiggan
Deputy Trott
Deputy Smithies

Deputy Gollop	Alderney Rep. Roberts
Deputy Parkinson	Alderney Rep.
Deputy Le Clerc	Snowdon
Deputy Merrett	Deputy Ferbrache
Deputy Fallaize	Deputy Kuttelwascher
Deputy Hansmann Rouxel	Deputy Lester
Deputy Dorey	Queripel
	Deputy Leadbeater
	Deputy Mooney
	Deputy Meerveld
	Deputy Inder
	Deputy Lowe
	Deputy Laurie
	Queripel
	Deputy Graham
	Deputy Green
	Deputy Paint

2440 **The Bailiff:** Members, the voting on the amendment, proposed by Deputy Dorey, seconded by Deputy Le Clerc was 12 in favour, with 19 against and five abstentions. I declare it lost.

[Amendment 2 – not laid](#)

To substitute Proposition 1 with the following:

"1. That the remuneration paid to Members of the States of Deliberation with effect from 1st July 2020 shall be as follows:

*a. All Deputies £40, 521**

*b. Alderney Representatives with a seat on a Principal or Other Committee
£22,365**

*c. All other Alderney Representatives £13,233**

** Social Security uplift to be deducted for those above the old age pension age
with an adjustment in accordance with the change in Guernsey median earnings during 2019
provided that, in the event of a negative change, no adjustment should be made."*

2445 **The Bailiff:** That brings us to an amendment that has been circulated over lunch hour, to be proposed by Deputy Gollop, seconded by Deputy de Lisle. Would you like it to be read out, Deputy Gollop?

Deputy Tindall: Sir?

The Bailiff: Yes?

2450 **Deputy Tindall:** Can I just ask, does this need to have the Rules suspended, because it does have financial implications, even though it is less?

2455 **The Bailiff:** H.M. Comptroller and I have had a bit of a discussion about this. It is less but then of course there is the Rule that says an amendment that has financial implications does require notice. I have normally interpreted that as being one that increases expenditure but the Rule, the way it is drafted, it does say, 'that has financial implications'. So, even an amendment that reduces expenditure has financial implications.

Mr Comptroller, do you want to give your view on it?

2460 **The Comptroller:** Sir, I would concur with your view. The Rule is quite clear. If there is a financial implication, notice has to be given. In this instance the financial implication is a beneficial one, one might argue, and that it would leave the States with more revenue. But it is still a financial implication.

2465 **The Bailiff:** Rule 24(2) refers to an amendment that may have the effect of increasing expenditure.

Deputy Tindall: Sir, I only ask because I do not want this challenged in court, as it has done in the UK.

2470 **Deputy Gollop:** I would just point out, I have looked at the financial implications and it would save, by my calculations, over £700,000 over a four-year period.

The Bailiff: What we are talking about is Rule 4(3), that says:

... every Proposition laid before the States which has financial implications for 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 of such Proposition may request from any Committee any information required to enable such an estimate to be included or obtained and the Committee shall thereupon provide it ...

2475 That proviso does not apply. What we could do is just insert into the amendment the information that I think Deputy Gollop has just provided. Can you just repeat what the figure is?

2480 **Deputy Gollop:** I am hoping my maths is correct and I am sure H.M. Comptroller and P&R could upbraid me, but I think, assuming all these positions are filled and everybody took the money, that the figure over four years would be a saving to the States of £732,184, or more accurately £183,046 per year.

The Bailiff: £183,000 – sorry?

2485 **Deputy Gollop:** – and £46 per annum, or £732,184 over four years.

The Bailiff: If people wish that to be included, that is noted. Shall we formally lay the amendment? It has not formally been laid yet.

2490 **Deputy Le Pelley:** Sir, to avoid all doubt, why do we not just suspend the Rule and get on with it?

2495 **Deputy St Pier:** The point I was going to make, sir, was that P&R are not in a position to verify or comment on that at all, which of course is precisely the purpose of the Rule. So I think the Rule is clear that it does have financial implication, therefore those that are moving it need to move this.

The Bailiff: In that case, I think that is Mr Comptroller's advice. I will put to you a Proposition then that the Rules be suspended. Those in favour; those against.

Members voted Contre.

2500 **The Bailiff:** I believe that is defeated. So the amendment will not be laid. We will move to general debate. Those who have not already spoken in general debate. Deputy Roffey.

2505 **Deputy Roffey:** Yes, briefly, sir. As I say, I did not have any criticisms that were so strong that I wanted to put an amendment, but I did have several criticisms. To be honest, I do not quite understand some of the rationale. For instance, on page 2, the panel agreed main principles right at the beginning and principle (d) was:

The remuneration should reflect an individual's commitment of time as an important but not determinant factor.

Yet they then go on to regard it as a not important factor at all, because they are suggesting paying somebody with no committee responsibility at all – even if they have actually elected to have no committee responsibility, exactly the same as a Member, perhaps, with two Principal Committees. I know serving on committees is not the only role of a States' Member but in my experience I have never known Members that were on a couple of busy committees not to be, overall, more committed, time-wise, than somebody that is simply doing constituency work. I am almost in the opposite direction than the non-amendment that was not laid; I actually think that there was too much *égalité* between people with totally different responsibilities.

The other clarification I wanted is on the Policy & Resources Committee. It is suggested that there should be a higher rate of pay, obviously for the President, but then for the Vice-President and the overseas representation part. Of course, they could be the same people. The President could be the main overseas person or so could the Vice-President. I just want to be absolutely sure and say we will not get a double uplift. That would be one way of saving money, if the President or Vice-President did it, then that would be one uplift saved. That could well be the case in the future.

I suppose the other point I would make is that I regret that there was no return to the situation of having an occupational pension, albeit I think it should be a defined contribution scheme rather than a defined benefit scheme and I would have happily accepted a drop in order not to cost the States any more or the taxpayer any more, a drop in the actual level of pay.

Because I think we should be leading the way. I think our message to everybody in our community is that – I call it this while I still can – the old age pension is unlikely to be sufficient for your needs later on. You should be trying, if you possibly can, and not everybody is in that position where they can, to make alternative provision. Yet we have gone backwards from where we were some years ago by not having a scheme where we could do it ourselves.

I think that is very regrettable and sends out a wrong message. I do not know why I bother to make these points, because I am still going to probably vote for everything. Oh, yes, the one other criticism is no change recommended in the pay for non-States members on serving our committees, which I think is around about £2,000 a year.

A really committed enthusiastic non-States' member on a committee makes an absolute world of difference and their time commitment is something that goes way beyond just attending committee meetings but going to all those sorts of events between those committee meetings. I think that £2,000 stands out. You know, £40,000 for a Deputy that chooses not to be on any committee, but only £2,000 for perhaps a Principal Committee member, and they are a full member, albeit not a voting member, I think that is mean-spirited as far as non-States' members are concerned.

I think, if we want to encourage more people to actually offer their skills and experience to help in that role, which I believe we ought to be, then I think that should have been eased up. As I say, I have not brought any amendment, so there is no point in wittering on, really, but those are my observations.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I will just say that I completely agree with what Deputy Roffey has said. I think it was, again, a mistake, following a previous review, that got rid of the payments in relation to membership of committees. It was based on the fact that, at that time, all States' Members did have committee membership. Obviously the financial element was part of the package, which ensured that that happened. I think it is wrong that it is a standard pay and we should have gone back to the system. But I am not going to try and amend it, there is obviously total reluctance to change anything.

I also think it is wrong that we were taken out of the pension scheme. I totally agree with Deputy Roffey that we should be leading in terms of pension schemes and set an example. We are

effectively employed from an Income Tax point of view. It is interesting that, when the pension scheme was first introduced, they looked at service before that was brought in to give payment to previous service, because they thought it was the right thing to do. I think we have gone backwards.

I also think that parachute payments should be there. It is a norm for most other communities' politicians. I have heard from Members who had no expectation of not being successful in an election and suddenly, at a very few days' notice, they have lost their job. You cannot immediately move into another job, you cannot claim unemployment benefit, because you are self-employed. Some can manage it and it will not affect them, but it is the ones who struggle to get another job and should have some help at least in that intervening period.

Most employers would pay or give you a notice period or give you some redundancy money. We do not get any of those. I have accepted those changes. I think they are wrong, the changes to the pension scheme, the changes to committee membership, like Deputy Roffey, and I have accepted there are no parachute payments. But it does not mean that I do not think they are wrong.

Going forward, I think P&R needs to seriously look at the membership of the independent panel when they next constitute it. (**Several Members:** Hear, hear.) I think it needs a complete, fresh group of people who can look at it from a new view, because I think putting the same people back does not achieve independence that you want and I think that some of them have been there too long and do not reflect society as we are today. So I urge you, and I think there should be some States co-operation, in terms of looking at who is going to be a member, because I personally have lost confidence in P&R's choice of those members. Anyway, those are my comments.

Thank you.

The Bailiff: Deputy Lester Queripel has stood a couple of times.

Deputy Lester Queripel: Thank you, sir.

Seeing as there is no actual definitive job description for a Deputy's role, it has always intrigued me how anyone is able to decide how much a Deputy should be paid, unless of course they are a Deputy or have been a Deputy at some time in their lives. I have been a Deputy for seven-and-a-quarter years, now. I think it is fairly easy to define a Deputy's role and then come up with a job description and decide upon a salary.

A Deputy has to be many things: counsellor, psychotherapist, psychologist and a psychiatrist all at the same time. Every single one of those professions carries a much bigger salary than that of an ordinary Deputy. When I say ordinary Deputy, I mean Deputy as listed under this Report of 'all other Deputies'. A Deputy such as myself, for example.

The reality is ordinary Deputies, otherwise referred to as 'all other Deputies' in this Report, are the cheapest counsellors, psychotherapists, psychologists and psychiatrists in the Island. Not only that but they are also expected to be social workers, clairvoyants and magicians! (*Laughter*) All at the same time, as well as being our own secretaries and PAs.

But even all that does not cover the role because, as well as having to be all those things and do all those things, we have to undertake all our own research, to drive amendments, requêtes, *sursis*, policies, and to enable us to do that we have to empower ourselves with as much knowledge as possible about every single issue we are presented with in a year.

I think it is fair to say a Deputy is presented with hundreds of issues every year. Because of that and because of my experience, this is not a part-time job, it is not even a full-time job, it is a way of life. Deputies I have worked with in the last seven-and-a-quarter years live and breathe politics, seven days a week. The role impacts on one's private life. It consequently impacts on one's family life. (**A Member:** Hear, hear.)

The role of a Deputy is all-consuming and not only does the Deputy themselves run the risk of being verbally and physically assaulted, but so do members of their family. (**A Member:** Hear,

hear.) So, naturally, in saying all of that, I believe Deputies earn and deserve every single penny of their salaries and therefore I fully support the Propositions in front of us today.

2615 Bearing in mind there are approximately 44,000 taxpayers in the Bailiwick, I do not think it is unreasonable for any one of those taxpayers to pay an ordinary Deputy, like myself, 80 pence a year. I do not think it is unreasonable for every taxpayer to pay a President £1 a year. Or our chief minister, £1.50 a year. I would say that truly attains a value for money for our community, I say we all need to strive to attain.

2620 I have not even touched on the constant scrutiny and criticism a Deputy has to endure whilst carrying out their duties. Sir, I feel it is important to say all of this in support of these increases so that our community can understand why I am supporting them and why a Deputy is paid and what they have to do to earn and justify their salaries.

2625 It is true that Deputies were not paid back in, what many Islanders refer to as, the good old days. But Guernsey was a very different place all those years ago. We now live in a totally different world. The Island's Government has an abundance of local, national and international issues to contend with on a daily basis. I truly believe that the next Assembly will have even more issues to deal with than the current Assembly or any other previous Assembly, for that matter because the world is evolving at a staggering pace.

2630 So, just like this Assembly and the salary of Assemblies before us, the next Assembly will earn and deserve every penny they get. Just to go back to the apparent good old days, when Deputies were not paid, Deputies back then did make some fairly ridiculous decisions. It was the Deputies back in the 1970's who decided the Odeon cinema should be demolished, and so the Island lost an iconic building that could so easily have become the multi-functional arts centre that my dear friend the late Joan Ozanne campaigned for, for so many years. So, so much for the States of the good old days who were not on a salary.

2635 Yes, I agree it is a privileged position being a States' Deputy, I get that. A Deputy can obtain a certain amount of satisfaction and fulfilment. My experience as Deputy this last seven-and-a-quarter years has been dominated, unfortunately, by demoralisation and frustration. So consequently I know there will be Deputies in the next Assembly who will also experience extreme demoralisation and frustration. Sir, once again, they will deserve every penny they earn.

2640 I think it is important to focus on one example of the kind of frustration and demoralisation that I am referring to. I will never forget working on a case with a fellow Islander, a couple of years ago now, who said, in his opinion, I was 'the best Deputy ever because I have managed to successfully resolve a case for him'. Two months later, he said, I was the 'worst Deputy ever', because I had not been able to get him the result he wanted on another case.

2645 Coupled with the fact that the systems and procedures we have in place are so painfully slow that they are often dysfunctional, where definitely you can often lose the will to live, coupled with the fact we have a plethora of well-intentioned strategies in place, but we do not have the money to progress them. Because of all that, I feel as though I have been bashing my head against a brick wall the whole time, which is why I am not standing in the next general election, because eight years of bashing my head against a brick wall will be more than enough for me.

2650 That is why I do not need to declare an interest here, because I do not benefit from these increases, should they go through. But it is because I want the next States to be the best States ever, because that is surely what the Bailiwick needs, the next States to be the best States ever, that I support these increases all the way down the line. Because the reality is every Deputy in the next States is really going to have their work cut out. They are going to have to be prepared to work at least 70 hours a week, over seven days a week, and still have to deal with being accused of being overpaid and under-worked, because every Assembly is accused of that, so why should the next one be any different?

2660 On the upside, hopefully they will attain a lot of satisfaction and fulfilment from the role as well. In supporting these increases, I can only hope our nurses get the salary increases they deserve some time soon and, in closing, sir, I ask for a recorded vote, please, when we go to the vote.

Thank you, sir.

2665 **Deputy Fallaize:** Sir, point of correction.

The Bailiff: Deputy Fallaize, he has sat down now.

2670 **Deputy Fallaize:** I spoke in general debate. I can still make a point of correction, can I not, sir?
(**The Bailiff:** Yes.) Okay, thank you.

2675 Deputy Lester Queripel, several times in his speech, said he was supporting these increases but, so as not to allow any misimpression to be created, what is proposed actually would leave remuneration at a lower level, at the end of the pay period, than it is at the present time. So these are not proposed increases, they are proposed decreases. Whether they are good or bad or indifferent is a different matter, but Deputy Lester Queripel is not correct to refer to them as increases and I do not think people should get the wrong impression. What is proposed is a decrease –

2680 **Deputy Laurie Queripel:** Can I have a point of correction on a point of correction, sir?

Deputy Fallaize: Not until I have finished speaking.

2685 **Deputy Laurie Queripel:** I hear what you are saying, but they are initially an increase. Of course they are.

Deputy Fallaize: No, they are not.

2690 **Deputy Laurie Queripel:** The basic salary is £2,000 more than it is at the moment, at the start of the next term. That must be an increase on what Deputies are getting now, surely?

Deputy Fallaize: Paragraph 4.1 says:

The proposed remuneration structure recommended by the Panel has a maximum cost which is £12,000 per annum less than the maximum cost of the current system ... Therefore, there is a potential saving of £48,000 over the four-year political term.

I do not think that can be described as a proposed increase.

2695 **Deputy Lester Queripel:** Sir, if I may?

The Bailiff: Right, Deputy Lester Queripel, as it really was a point of correction on your speech so, yes, I think you should have the right to comment.

2700 **Deputy Lester Queripel:** I appreciate that, sir, thank you. I get £37,000-plus per year currently. Here, on page 1, 'all the Deputies to get £40,521.' I rest my case.

The Bailiff: Deputy Inder.

2705 **Deputy Inder:** Sir, back to the plot, anyway. The only thing I want to speak about is SACC's role in this and if I cast my mind back and I was an ordinary Member of the States' Assembly and Constitution Committee, I believe we had the panel come to one of our meetings and ask us about job descriptions.

2710 It looks like they have dialled it down in the Report and 'job description' has now become 'role brief'. Between 5.4 and 5.8, SACC gets a mention and it talks about providing more information

for prospective candidates and I will again thank the 26 Members who came to the workshop. As a consequence of that meeting, a few things I think came out of it.

2715 We had to spank-up – for want of a better word – the induction programme itself, and what fell out of that is basically guide notes for the candidates. So we will be building on that work that has been undertaken by the States' Review Committee, and we will be providing guidance notes for Members, various roles and responsibilities and including prospective candidates.

The Bailiff: Deputy Brehaut.

2720 **Deputy Brehaut:** Thank you, sir.

I wish we would at times talk up the role of a Deputy because there is a temptation, especially with the background, external narrative and printed media coverage in particular ... The pressures are real and they can feel quite intense at times and I think that the salary reflects part of that, particularly when, if you are a president or member of a committee, and you are at the centre of a storm or a campaign, the days are very long and it can be difficult, I think, for individuals, and it is particularly difficult for their families.

2725 We should not shy away from saying that elements like that are particularly difficult. For 15 years, however long I have been in the States, every term I hear people around me say, 'It is not a full-time job; it is a part-time job. You can be a States' Member, you can do everything else in between.' Can I just remind those people, you can do that because the full-time Members have to follow your diary and they ensure meetings are quorate in your absence and I think it is something that is frequently overlooked.

2735 **The Bailiff:** Yes, Deputy Tindall.

Deputy Tindall: Thank you, sir.

Firstly, I would like to extend my apologies for not being able to be in the Chamber for a few hours this morning, although I was able to listen to nearly all of the debate.

2740 For me, I have struggled with this, as some of my colleagues are aware. I would like to make decisions based on an independent report, based on well-thought through arguments, backed up by research, comparisons with other jurisdictions and quality consultation. I made 14 pages of notes analysing this Report and found so many flaws that, in my view, there is little basis for the Propositions.

2745 So many flaws, I do not wish to bore this Assembly. Especially as it appears many Members have been making one or two of those points each. Again, most of them have been covered. Most importantly, I agree that this is not about *our* pay, sir, but about encouraging a wide variety of candidates to stand next year.

2750 I agree with Deputy Lester Queripel in all that he said about what we do. But I cannot agree with the basis of the conclusions. The next review, in my mind, should have refreshed terms of reference and membership of the independent panel. I have to say I set these arguments out in lengthy letters in 2015 and again this year, but obviously my views were in the very small minority of a very small number of people who were consulted. Not consulted, I rephrase that, who responded to the consultation.

2755 I should add that I also drafted several amendments but not laid any of them; one of which looked very similar to the non-amendment by Deputy Gollop, although it did not have any financial implications because it was actually just a redistribution of the same sum. A bit like a good ex-colleague of mine on the Legislation Select Committee, the ex-Deputy Ellis Bebb. My fear is that it would be pointless. There is a feeling here that this Report will go through unamended.

2760 However, I would like to know what the effect was if I did not vote for any of the Propositions. Because to me, I think that the current system is fairer, I think it would go through, in my view, but I would like to be corrected, it would have the additional increments each year. The bands would

stay the same and, until it has a really thorough review, I do not think that these Propositions are in any way an improvement.

2765 But, then again, if the Propositions are lost would there be a feeling that perhaps we should have a really urgent review on better terms of reference? I doubt it. But those are the questions I would appreciate being asked, because genuinely I do not think I can support any of these Propositions.

Thank you, sir.

2770 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: Thank you, sir.

2775 I notice that on the top of the Report it says that it is the final report. I was not aware of any interim or any intermediate report. I think that we might have benefited from actually having had an interim report presented first, not within this Chamber, perhaps a document that could have been circulated where people could have actually considered considerations, put them down on paper and sent them back to the committee to have a second think; because I find this quite distasteful to be honest, actually going through, discussing all this. I agree there should be a fresh group.

2780 I think the group needs to, a bit like Deputies really, have fresh faces over time. I have been challenged before about how many times a Deputy should stand in an election. I do not think people really need to stand more than three times, to be honest, and I shall not be standing a third time.

2785 Those people who want to make a career out of things, I do not really think that is good, necessarily, for society. Some people may be able to do it but I think, if everybody tried to do that, it would not be very beneficial for society. We need fresh faces, we need fresh people. We also need to have a better representation of society, certainly every eight years, if not every four.

2790 So I support the views of, I think it might have been Deputy Dorey that made the start of it, but several people have made very similar suggestions; we do need to have a more representative group looking at it – gender-balance, age-wise as well – so you are actually looking at people across the whole of the working age span.

2795 As I say, I would favour an interim report being presented where all the nitty gritty stuff that we are going through now, in public, could actually have been done somewhere else, so the Report could then have been re-drafted to bear in mind those observations and then that report, having been presented, you either accept it or you do not. You do not start debating it and going through all this negotiation and discussion we have had today.

Thank you, sir.

2800 **The Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you.

2805 I was just going to ask the one question initially and now there are two. What would be the initial consequences if Proposition 9 were to fail? Secondly, what would be the consequences if all the Propositions were to fail? Could we just carry on as we are and call it a day for another decade or two? That is all.

Thank you, sir.

The Bailiff: Deputy Leadbeater.

2810 **Deputy Leadbeater:** Can I invoke Rule 26(1) please, sir?

The Bailiff: Those who have not spoken and wish to do so please stand in your place. Two people are standing. Do you wish to go ahead?

Deputy Leadbeater: Please, sir.

The Bailiff: I put to you the motion that debate be terminated. Those in favour; those against.

Some Members voted Pour; others voted Contre.

The Bailiff: That is close.

Deputy Lester Queripel: A recorded vote, sir, please.

The Bailiff: I think it is lost but I knew that Deputy Lester Queripel was going to come to my rescue and ask for a recorded vote! *(Laughter)* So we are having a recorded vote on whether debate be terminated.

There was a recorded vote.

Not carried – Pour 10, Contre 21, Ne vote pas 3, Absent 6

POUR

Deputy Langlois
Deputy Oliver
Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Le Tocq

CONTRE

Deputy Brouard
Deputy de Lisle
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Alderney Rep. Roberts
Alderney Rep.
Snowdon
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Brehaut
Deputy Gollop
Deputy Lester
Queripel
Deputy Le Pelley
Deputy Merrett
Deputy Meerveld
Deputy Fallaize
Deputy Lowe
Deputy Laurie
Queripel
Deputy Paint
Deputy Dorey

NE VOTE PAS

Deputy Tindall
Deputy St Pier
Deputy Stephens

ABSENT

Deputy Dudley-Owen
Deputy McSwiggan
Deputy Tooley
Deputy Trott
Deputy Inder
Deputy Smithies

The Bailiff: The voting on the guillotine motion was 10 votes in favour, with 21 against and three abstentions, I declare it lost. Now I will call Deputy de Lisle.

Deputy de Lisle: Thank you, sir. Just a few comments.

I preferred a flat rate across the board for Deputies at the £40,500 that was included in the Report. But I find it quite incredible, actually, that the States turned away even debating an amendment proposed to save nearly £750,000 over the four-year period.

It would make significant savings in that particular way and I just feel very disappointed that that was turned away from our debate, because, given the current uncertainty, not only in the UK economy but in the world economy and the economic turmoil at the current time and to protect against shocks to our economy in the future, which would therefore shrink the overall economy over the next number of years, the Government would turn around and seek new avenues to right

the economic situation through new revenue-raising measures, which would affect the population generally and the taxpayer, or expenditure cuts, deep cuts.

So I think we have to look at this very carefully before voting for increases beyond what I dictated as the flat rate across the board for Deputies as a whole. After all, I think it is worth noting that people are elected to office on similar guidelines, so why the differentials? It is only in this place that there is argument about who should get more and who should get less. The people out there do not necessarily agree to what that selection process generates. So I think we have missed an opportunity and I will vote in accordance with that thinking.

Thank you, sir.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

Economic theory suggests that salaries depend on a worker's marginal revenue product (MRP). This is basically the value that they add to their employer. The electorate are our employers, so we have to look to our laurels and consider the value the electorate perceive we are adding for them. We also need to consider our fiduciary responsibilities on behalf of the electorate; our responsibilities to manage the States' revenue and expenditure, to preserve and ideally improve our Island's finances.

I do believe Deputies work hard for their pay and if they were delivering the decisive leadership and decision-making, plus prudent financial management that our electorate need and deserve, Deputies would be justified in receiving significantly higher remuneration. However, this has been described as the worst States ever, apparently plumbing new lows from those in the recent past and I find it hard to disagree.

We have also been informed that our financial outlook at the end of our term is looking dire, probably requirement swingeing budget cuts to balance our books. On this basis, I cannot support any pay rise and I will be voting against these Propositions.

Thank you, sir.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

I stand up to say we need a reality check here. It is a privilege and honour to be a States' Member. It is not necessarily coming into the States to see what you can get out. Of course we have got to make it achievable for people to be able to stand, but equally, over the years, when there were far more committees than we have actually got now, far more meetings than we have got now, and yet the majority of the States managed to hold other employment; whether that was self-employed or whether they worked for a user-friendly employer.

So when I hear about, 'We have not necessarily got time', it is time management. You decide how many committees you want to go on. It is not necessarily a case of to go on as many as you can and then find you have not got time to do something else. It is a privilege and it is an honour and for me, I think Members need to think about, not so much these Members because this is for future candidates, they need to find out beforehand. It is no use coming into the States and saying, 'I did not know how much time it was going to take.'

This job, you can do as much as you want or as little as you want. You can go on as many committees as you can get elected on or you can just not go on any. You can have as much time off as you want, you can have as many holidays as you want, you do not have to worry about anything else. It is the only job I know where you are guaranteed your salary for four years. That is the reality check of being a States' Member.

Of course, there is a lot of responsibility that comes with that and we have to take that on the chin, but I also hear more often now than I have ever heard before, we need training, we need a longer induction that takes goodness knows how long. Gone are the days we had 20 minutes with

the Bailiff, that was it: 'The toilets are outside, you hang your coat there, you stand up when you want to speak, the rest you find out for yourself.' The best way to find anything out is actually to do it yourself, in my opinion.

So for me, as I say, I do not actually disagree with this Report. I think if the States made a decision to have an independent panel look at it, that is fine. If they did not want that in the first place, where were all the amendments before we asked for this independent panel to go ahead and look at it? We have been two hours now talking about ourselves and our pay again. I am sure, yet again, the public are going to be absolutely delighted we are here talking about ourselves and our pay. I ask Members to go to the vote.

A Member: Hear, hear.

The Bailiff: Yes, Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

I just wrote a short few lines of my feelings. With this job comes great responsibility; with this job comes disappointment, frustration, bad feelings and sometimes stress. But when you achieve a goal you really care about or help a parishioner it can be the best job in the world. The pay, in my view, is adequate and should stay the same in the current climate. We are hardly at the food bank, sir. Really, with the nurses' case, I also take the view that we should not even be discussing this.

Thank you.

The Bailiff: No one else is rising to speak, so Deputy St Pier will reply.

Deputy St Pier: Sir, I will only respond to a brief number of comments, which I think require a response. Deputy Roffey posed a challenge that if one of the Members of Policy & Resources were to hold the role of both Vice-President or President and external relations, they would not get a double uplift. I think certainly that has been the previous spirit in which the Rules have been operated.

I think it would be incumbent on either this Policy & Resources Committee or the next one that is bound to return to the States with the Rules, in accordance with, I think it is, Proposition 8, to take that point on board. I think it is an obvious point but it is certainly not one with which I would disagree. It would be common sense. So hopefully that deals with that point.

With regard to the composition of the Review Panel, which a number of people have mentioned, I think Policy & Resources, clearly, have heard those comments. I do not think it will be for this Policy & Resources Committee to make that determination in relation to any subsequent review for the next period but, clearly, it is on the record now that Members of this Assembly feel that a change would be sensible.

I think perhaps the most pertinent questions that I need to respond to, in any event, came from Deputies Tindall and Kuttelwascher, in terms of the implications of these Propositions failing. If I deal, perhaps, with Proposition 9 first, which is the one that deals with the subsequent review, it is worth drawing attention to the fact that Proposition 9 is, if you like, P&R's Proposition; it is not one contained within the Independent Review Panel's Report. It is simply one that, again, we have taken forward from previous processes, so we feel it would be sensible to have a direction for this process to continue in the next term. Obviously, Deputy Fallaize and others may feel that is inappropriate.

If Proposition 9 fails, then I would suggest it would be for the next States to determine, if it wished to, how it wished to go about that, and it would do that in accordance with its normal –

I will give way, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: One point Deputy Fallaize raised and has been hinted at by other Members is, for example, if one turns to the Payment of Members' Expenses Act 1989, from Tynwald in the Isle of Man, they have a clear formula for pay, which is based upon the, I will not read it all, but ...

... the annual sum payable to Members of Tynwald the amount payable in respect of –

2945 **The Bailiff:** Is this a fresh speech?

Deputy Gollop: It is based upon the top spine point of the HEO officer grade and the top spine point of the EO grade. Does Policy & Resources commit itself to actually re-evaluating the terms of reference of a panel that would actually look at the rationale for pay rather than the general figure –?

The Bailiff: I think this is a further speech, Deputy Gollop.
Deputy St Pier.

2955 **Deputy St Pier:** Sir, I think I can deal with that question by simply saying, as I was saying, that I think the process by which Members' pay will be reviewed in the next term will either be in accordance with Proposition 9 and for the next Policy & Resources Committee to drive that process or, if Proposition 9 fails, it will be for the States to do so and I guess it would either be the next Policy & Resources Committee or, indeed, this Assembly, if it were to direct for such a review to take place.

I will give way.

Deputy Fallaize: I am grateful to Deputy St Pier.

2965 Does that not depend on whether Propositions 1-8 also fail? Because if 1-8 fail, the Policy & Resources Committee is going to have to do something to address remuneration in the next term, is it not?

2970 **Deputy St Pier:** I rather regret that in a way, sir, because I was going to deal with Propositions 1-8. If Propositions 1-8 fail, and I have taken the opportunity during debate to look at the Members' pay rules in the red folder and confirmed my interpretation with H.M. Comptroller, the Resolutions from January 2016 provide for remuneration to be paid with effect from May 2016. In other words there is commencement provision, but there is no end date to that. So the rules, which are in the red folder, which Members either have in front of them or in electronic form, will simply continue as they are.

2975 There would be no particular requirement for Policy & Resources Committee or this States to engage in any further review before the end of this term. I would suggest the present rules would simply roll forward and that would be the effect of Propositions 1-8 failing. I think that addresses the key issues raised during the debate and the Policy & Resources Committee's view remains that the Independent Review Panel's Report should be endorsed.

2980

The Bailiff: We come to the vote. There was a request for a separate vote on Proposition 9. Unless anybody asks otherwise, I suggest we vote on Propositions 1-8 together and then a separate vote on Proposition 9 and I suspect there is a request for a recorded vote.

2985 **Deputy Lester Queripel:** Sir, I did say in my speech I would like a recorded vote please.
Thank you.

The Bailiff: So a recorded vote on Propositions 1-8.

There was a recorded vote.

Not carried – Pour 14, Contre 18, Ne vote pas 3, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Langlois	Deputy de Lisle	Deputy Brouard	Deputy Dudley-Owen
Deputy Soulsby	Deputy de Sausmarez	Alderney Rep.	Deputy McSwiggan
Deputy Prow	Deputy Roffey	Snowdon	Deputy Tooley
Deputy Oliver	Alderney Rep. Roberts	Deputy Le Pelley	Deputy Trott
Deputy Parkinson	Deputy Ferbrache		Deputy Smithies
Deputy Lester Queripel	Deputy Kuttelwascher		
Deputy Mooney	Deputy Tindall		
Deputy St Pier	Deputy Brehaut		
Deputy Stephens	Deputy Gollop		
Deputy Inder	Deputy Le Clerc		
Deputy Lowe	Deputy Leadbeater		
Deputy Laurie Queripel	Deputy Merrett		
Deputy Graham	Deputy Meerveld		
Deputy Le Tocq	Deputy Fallaize		
	Deputy Hansmann		
	Rouxel		
	Deputy Green		
	Deputy Paint		
	Deputy Dorey		

2990 **The Bailiff:** The voting on Propositions 1-8 was 14 in favour with 18 against and three abstentions. I declare Propositions 1-8 lost. I think Proposition 9 stands on its own so we can still have a vote on Proposition 9. We will have a recorded vote on Proposition 9.

There was a recorded vote.

Carried – Pour 19, Contre 15, Ne vote pas 1, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Brouard	Deputy de Lisle	Deputy Le Pelley	Deputy Dudley-Owen
Deputy Langlois	Deputy de Sausmarez		Deputy McSwiggan
Deputy Soulsby	Deputy Roffey		Deputy Tooley
Deputy Prow	Alderney Rep. Roberts		Deputy Trott
Deputy Oliver	Alderney Rep.		Deputy Smithies
Deputy Brehaut	Snowdon		
Deputy Gollop	Deputy Ferbrache		
Deputy Parkinson	Deputy Kuttelwascher		
Deputy Lester Queripel	Deputy Tindall		
Deputy Le Clerc	Deputy Leadbeater		
Deputy Mooney	Deputy Merrett		
Deputy St Pier	Deputy Meerveld		
Deputy Stephens	Deputy Fallaize		
Deputy Lowe	Deputy Inder		
Deputy Hansmann Rouxel	Deputy Laurie		
Deputy Graham	Queripel		
Deputy Paint	Deputy Green		
Deputy Dorey			
Deputy Le Tocq			

2995 **The Bailiff:** The voting on Proposition 9 was 19 in favour, with 15 against, and one abstention. I declare Proposition 9 carried. Just for the benefit of anyone listening, I think the effect of that is, in the next term, the remuneration will be as per the Rules approved by the previous Assembly and that will continue throughout the next term, but P&R will be directed by the States to set up a review panel to look at the rates for the States that follows.

3000 **Deputy Tindall:** Sir, if I may. We have just had that discussion. It does not actually say that. If P&R so wish, they could set it up tomorrow.

The Bailiff: I did not say they could not, but what the States has just resolved ... obviously the States at any time can change their decision, but until they do, I think the advice from H.M. Comptroller was that the 2016 rules remain in place until they are replaced by anything else. Unless the States resolve otherwise, those will be the rates of remuneration in the next Assembly.

Deputy Soulsby: It is covered in number 9, sir. Any other time in the event of changed circumstances –

The Bailiff: But P&R can come back and propose revisions at any time.

Deputy Tindall: If I may say so, sir, the point that I am questioning is the fact that you said it would affect the next term after that. That was the only part I was clarifying.

The Bailiff: Oh, I see. It could do it sooner. Okay, fine. Sorry. But for the time being, and obviously the States can change their mind, if they ever wish to do so, at any time.

REQUÊTE

IV. Pension Rules and Regulations relating to women who were married as at 31st December 2003 and have subsequently been widowed and remarried a person with no Guernsey Pension entitlement – Requête lost

Article IV.

Your Petitioners humbly pray that the States may be pleased to resolve:

To direct the Committee for Employment & Social Security to adopt and implement a policy which will ensure that a woman –

(a) who was as at 31 December 2003 married to a contributing man under the Social Insurance (Guernsey) Law, 1978, and

(b) who has following the death of that man remarried a person who has no Guernsey pension entitlement,

may elect on or after reaching pensionable age to substitute their deceased husband's pension average, calculated at the end of the marriage, for their own pension record either for the period of the marriage only, or for the whole of their pension average period.

The Deputy Greffier: Article IV, Requête.

The Bailiff: Deputy Ferbrache, the lead requérant will open the debate.

Deputy Ferbrache: I will just wait until the individual conversations have died down. There are two things in relation to Deputy Lester Queripel that I want to adopt. The first is, to save any request for it later on, I am going to ask for a recorded vote now, i.e. when the debate concludes, in relation to this Requête.

The second is the point that Deputy Lester Queripel made in the last debate about this Assembly dealing with matters of international importance and domestic matters. I know, and I can say with confidence, that Deputy Lester Queripel is one of those that believes that we should look at individual matters and domestic issues as very important indeed, because his whole reputation, which is well-deserved, is that of a keen and able and conscientious constituency Member of this Assembly.

Here, in relation to this particular Requête I have heard comments, 'this is too insignificant'; 'you cannot have policies made for one person'; 'you cannot change the Law for one, two or three people'. What arrant nonsense and arrant arrogance.

I am grateful, I should say at the outset, to my six colleagues that have signed the Requête. I am grateful to all of them. But if I had to – and I do not have to but I am going to – single out a particular person of merit who I believe deserves particular credit it is Deputy Barry Paint. Because it was Deputy Barry Paint who, some 18 months or whatever ago, approached me in relation to this particular matter and asked me if I would take it on. It took me about a nanosecond after discussing it with Deputy Paint to realise that I should.

Now there are many people in this Assembly that beat their chest and say how much they care for society, how much they care for people, what they are going to do for it. Deputy Paint does not do that but he actually gets on and does it. We know about all his valuable work in relation to the Far East and the charity that he promotes and spends a lot of his time on. But he does not tell people, 'I care about people.' He just gets on and he does care about people.

When we look at this particular Requête, I am at a loss to understand how anybody could actually vote against it, but I know they do. I know that the actual Committee that are responsible for pensions and regulations are against it, albeit they could change this particular issue by regulation. It would need an Order in Council, it would be a very simple matter that they, like I do when I discuss matters with my colleagues in STSB, from time to time, we make regulations, which I end up signing. I understand they could do the same in relation to this particular issue. They have chosen not to do so.

Now, when we, as an Assembly, ignore individuals, because it might set a precedent, because it might cause problems in the future, because it might lead to greater things, I have real problems with that. We are addressing a particular Requête, a particular limited set of circumstances, which will currently apply to very few people indeed. Indeed I will come to it in due course, a letter written to me by the Vice-President of the Committee, in August of this year, which talks about the cost in relation to this particular individual of about £2,000 *per annum*, and an overall cost of, worst case scenario, if there were say 10 people affected by this Requête, of about £22,000 *per annum*.

My goodness me. We will come to the amount of Civil Service time that must have been spent in preparing a five-page memorandum of over 2,000 words to say why this is such an appalling idea. Those of us that have been around in Guernsey a long time, and I have already said earlier today that I am both old and male and, as an older male, born in 1951 in Guernsey, I am of the generation that know that it was very common indeed for married women to take the benefit of their husbands' contributions. That was a very common thing for ordinary, working class Guernsey people to do.

Now there is a set of pension reforms, as we know, the States of April 2003, whenever it was, which came into force the following January. Basically that said we have got to be gender neutral, you look at your own contributions, that is your contribution record. Now that was supposed to be fair, that was supposed to put women on an equal footing with men. In fact, it did not at all. It disadvantaged in large measure, I think, lots of women, over a considerable period of time. But that goes beyond the Requête that we are talking about today.

Because, both as an advocate and as a Deputy, sometimes you get things and you think, this does not smell right; this is not fair; this is contrary to any basic principles of decency and therefore it needs changing, whether it is for one or two individuals or 20,000 individuals. Albeit in this particular case it is for a very limited number of people.

This little journey for me started after the conversation with Deputy Paint, whereby I wrote, on 21st March 2008, to the President of the Committee, Deputy Le Clerc. (**The Bailiff**: 2008?) I wrote in particular concerning Jenny, I am not going to give her name, but I think most people know who she is. ..., that is where she lived. I said this:

All this is probably known to you and indeed tribunal proceedings were issued but they remain as yet unresolved. That is, because since I have been involved as a Deputy, and I am writing this letter as a Deputy, I believe that the Law is

such that Mrs L could lose her appeal. Hence it needs a political resolution rather than a legal one. Mrs L is a Guernsey person who has worked since the age of 17. She was born in June 1952 and was 65 last June.

The Bailiff: Are you giving such information that this person could actually be identified?

Deputy Ferbrache: Actually, sir, the person has given me permission to do it.

3085 **The Bailiff:** Oh, she has done? That is fine.

Deputy Ferbrache: I clarified that before, because obviously I would not be addressing this in public without –

3090 **The Bailiff:** I am sorry, I missed that when you said that. I apologise.

Deputy Ferbrache: I should have said that bit, shouldn't I? I am grateful, thank you, sir, for raising it.

She expected to receive an old pension. Her husband for many years was a Guernsey man –

3095 – I give his name –

He was born in 1950 and started work at 14 and was an electrician, but sadly he died in 2008.

3100 Again, that was common, because people in Guernsey left school at 14 in that day and age and went out to work. This gentleman went out to work in 1964, so he had worked for over 40 years and he died in 2008. I then described the personal circumstances, which I am not going to refer to in detail. But I said, at one time after her husband died, because he died suddenly, she had to work two jobs to pay off the debts. I go into other facts. I say:

The difficulty that she faces is that she married as a widow, an Englishman –

I give the name of the gentleman –

– in 2012. He was born –

3105 I give his date of birth –

– so by the time she married him, he was already of pensionable age. He had lived and worked all his life in England. That meant, because she had married him in June 2012, i.e. five years or so before she retired, she ceased to be eligible for her husband's contributions –

3110 – i.e. her late husband. And there was a dispute about whether she was told that or not told that. I know that is disputed by the Committee. I am not going to pursue that point, because it is irrelevant for the consideration I am putting forward anyway. I go on to say, this is what I wrote to the President at the time:

You will know that the actual difference in her pension ...

3115 – she believes it is somewhere between £40 and £45 a week, and she gave other examples. Now that was a letter I wrote to the Committee, to the President. I got a prompt response from the President on 9th April, saying lots of things, well not lots of things, but a very polite letter saying, 'Let us meet.'

Now we met, that lady, myself, the President and a senior civil servant, on 4th May of 2018. I was told then the figure would be about £2,000, we have got now the precise figure, I was told the pension lost to her would be about £2,000 *per annum*. I talked about the changeover in 2003-04, I

3120 was told that the principle of the old pension provisions was built on the fact that the male was the breadwinner and death and divorce, treated as death, and it was the intention of the new regime for women to get better pensions and to be gender neutral.

3125 It was left that the President would discuss it with her Committee and get back to me, because I was advised that it could be changed by regulation. I got a prompt reply. That was 4th May and I got a reply on 18th June, which I regard as a reasonable period of time within which for it to be considered and, after referring to the discussions, etc. it said this. The civil servant was able to explain the legislative changes that took effect from 1st January 2004 to achieve gender equality in the Social Insurance scheme.

3130 He also explained that some of the transitional provisions that were given effect by regulations of the Committee. Those transitional provisions applied to women who were married as of 31st December 2003 and preserved some of the historic advantages – I shake my head figuratively and literally – as compared with single women or men, that applied to married women and widows under the pre-2004 system.

The transitional provisions were made in order to recognise the reasonable expectations of women who were married at the time of the changeover. Those expectations included a partial pension based on the contribution record of their husband. It goes on.

3135 The next paragraph is not particularly relevant so I will read the paragraph thereafter.

It is relevant to note that, even within the modernised gender-neutral social insurance ...

My goodness me jargon does creep in very easily. We have got a nuclear family later. We will talk about a nuclear family. I hope it is not toxic to talk about it, but we will talk about it.

... benefits available to bereaved spouses on loss or remarriage before reaching a pensionable age. I referred your letters ...

3140 – as the President, who we know is an honourable person, said she would and she did –

... the Committee was not persuaded of the need to amend legislation that you have requested in order to benefit Mrs L and women who are in a similar situation. The Committee confirmed, with one Member abstaining, that a condition should remain in the Social Insurance Benefits Transitional Regulations 2004 that provisions applicable to women who were married as at 31st December 03 but subsequently widowed before reaching pension age, should cease to re-apply on marriage before till pension age.

3145 Then the rest of the letter is, as I say, very courteous. The matter proceeded and the Requête was filed. Now Members have already got the Requête before them. I have already dealt with some of the provisions of that Requête in my remarks to date. Paragraph 4 of the Requête reads, that arrangement, referring to the previous arrangement where you could take a benefit from your husband's contributions if you were a widow in the circumstances that I talked about:

That arrangement is not available where a qualifying married woman whose husband has died on or after 1st January 04 has remarried a person with no Guernsey pension entitlement. In those instances, the woman concerned may not elect to substitute the entitlement of her deceased first husband even though she has no additional pension benefit whatsoever accrued from their remarriage.

3150 Now why? Because there is no actual cost in real terms to the Exchequer. Because if she had not remarried she would have been able to continue taking benefit off her late husband's contributions. Because she had the audacity to marry somebody, rather than cohabit – because if she cohabited she would have been entitled to the pension. But because she did something that we still recognise in our society as a unique relationship, she married somebody, she loses her benefit.

3155 If anybody inside or outside of this Assembly can tell me that is a decent principle to adopt, that because you have remarried as a retired person, someone who is not a Guernsey pensioner, if

I can call it that, and that is justifiable, well then I am Gunga Din; and I am not Gunga Din. In relation to that I then wanted to know the cost of the proposals in relation to what it was going to cost. I wrote a letter and I got a very courteous reply from Deputy Langlois. Deputy Langlois explained he was writing because, obviously, the President was on leave. I thought I got the figure before but apparently I had not. What he said to me was:

Having checked with the officers, we do not think that we provided you with an estimated cost in the event of the Requête being successful.

The figure I got was from the meeting I had on 4th May 2018, when I was told.

But we stand by the estimated frequency of perhaps one new case very five years, given the narrow set of circumstances specified in the Requête. Therefore we consider the additional cost that would fall to the Guernsey Insurance Fund to be negligible within the overall contents to pension expenditure. We oppose the Requête on the grounds of principle and because we do not agree that there is an injustice.

So just two points. They do not oppose it on the grounds of cost. What is the principle? I cannot deduce a sensible principle. It is not elucidated further by Deputy Langlois in his letter on behalf of the Committee. The principle can only be that it is wrong to remarry. It is wrong to remarry. You can cohabit. It used to be called living in sin, but thankfully we have got beyond such antiquated terminology. But you cannot remarry. Because if you remarry you are going to get penalised, because you had a concession that you should not have had anyway, even though you, like thousands of other women over a period of time in Guernsey, took the benefit of their husband's contributions because they paid less by way of Social Insurance benefits.

That was the way it worked. Because if you were a greenhouse hand, earning £20 a week, while your bosses drove around in big cars, as they did in those days, and had lots of holidays and bought lots of oil paintings and expensive wine; if you were a builder's labourer earning £15 a week; if you were an ordinary shop assistant; if you were a petrol pump attendant, that is all your family could pay. That is all they could do.

That is the way Guernsey operated. It might have been gender neutral. It might have been a modern, nuclear family, but that is the way Guernsey operated. I can remember it and I am sure there are other people, I am not the only old person in this room. I may be one of the oldest, but I am not the oldest. I can remember that.

To take it away just because somebody had the audacity to marry an Englishman – it could have been a Scotsman, a Welshman, an Irishman or a Tongan – but because they married a non-local who did not have the benefit of pensions, they lost it. Outrageous, despicable; it makes me very angry indeed.

No doubt Deputy Langlois might well speak in this debate. I invite him to do so, to tell me what the principle is. He also opposed it because we do not agree there is an injustice. Well, to this particular lady, £42 a week or so, I will give the exact figure in a moment, is quite an injustice. It might not be to some of the richer Members of this Assembly, and we know there are some, but to an ordinary Guernsey woman, £42 a week is a lot of money.

The precise figure is given to me helpfully by Deputy Langlois in his letter. He attached a copy of Deputy Le Clerc's letter, which I have already referred to. He will say:

You will note that the potential cost in that particular case was £42.45 per week; £2,207 *per annum*. Clearly this would be a recurring cost for the life of the pensioner. Assuming that there would be no more than 10 such cases at any one time, the aggregate annual cost should not exceed around £22,000. However, this is with the narrow constraints of the Requête as worded. Costs could become more significant if the Requête led to other Rules in this area being changed.

We are dealing with the Requête, we are dealing with the matter before us. If there were other changes to be made, if there are other applications made, they can be considered on their merits in due course. Now the letter from Policy & Resources, signed by – who is it signed by? – Deputy St Pier, says this, dated 16th August 2019:

I refer to the Requête ...

– which it says:

The Committee acknowledges that this is a complex subject.

3200 Why is it a complex subject? It is a single issue Requête. How is that complicated? You can make things complicated if you want. I spent my professional life making things very complicated! (*Laughter*) But you do not have to make things complicated because, in life generally, things are pretty simple. This is not a complex subject. If it is and if the President of P&R is saying it is a complex subject then I am very worried indeed about how he will deal with the really complex subjects when we get on to deal with them. He goes on to say:

The matter of policy at its heart stems from the transition from one set of rules for entitlement to Social Insurance benefits based on the Beveridge concept of a nuclear family ...

3205 A nuclear family. My goodness me, I know lots of families. I do not know any of them that are nuclear. I know some that might have been toxic because I do not like them! (*Laughter*) I have never met a nuclear family in my life and hopefully I never will. He goes on:

... to a new set of rules based on individualised contribution records that applies from 2004 onwards; the Transitional Rules that were introduced to deal with the move from one system to another and the transitional protections afforded in certain circumstances, such as widowhood.

3210 They said they consulted the Committee and say, by a majority, they do not support the Requête. Well I am glad to know there is at least a minority that has some basic concern for ordinary individuals in the Policy & Resources Committee. I am very saddened that the majority do not. I am very saddened that Deputy Le Clerc and her Committee do not. I am very saddened that there are people here that think that no more than 10 cases, totalling £22,000 *per annum*, for people who proceeded under one set of circumstances but had the audacity to marry somebody after their husband died, should suffer losing £42 a week. It is disgraceful.

Please vote for this Requête.

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The Bailiff: Deputy St Pier, you have the opportunity to speak next. Do you wish to do so?

3220 **Deputy St Pier:** Yes, sir, and I will, very briefly really, just refer to the letter of comment, which Deputy Ferbrache has touched on, bearing in mind this was an item that was due for debate three weeks ago. I think it will probably bear just a moment to read the relevant extract, which is that Committee's opinion on the scope and timing of the Requête, in light of the issues brought forward by those that have signed it, brings us to the following conclusions. First of all that we note:

... that the Committee for Employment & Social Security, as the lead Committee with a mandate most relevant to the policy issues ..., will oppose the Requête on grounds of both principle and policy as set out in Deputy Le Clerc's letter ...

3225 – to Policy & Resources. Really, what we are saying there is Policy & Resources' view is that the Committee for Employment & Social Security are the best and most appropriate group of people who have been tasked with the responsibility by this Assembly, under their mandate, to consider and advise this Assembly on what they believe is the right response. In other words, in them we trust on this issue and that is in essence what that comment is seeking to say.

3230 Indeed, as Deputy Ferbrache has said, by majority we do therefore oppose the Requête, given the comments from the Committee for Employment & Social Security. We note that, as drafted, it is currently limited in its scope and is therefore unlikely to have significant expenditure consequences for the Social Insurance Fund. In other words, what we are saying is that has not

really formed any significant part of our thinking in any way. I know that is often presumed to be the case in relation to all decisions of P&R, but not on this matter.

3235 But we merely note that if there were a broadening of the scope it could have other implications, but I think that probably does go beyond both the Requête and indeed Deputy Ferbrache's speech, so I think there is not much further to say on that. I hope that sufficiently explains Policy & Resources' comments as advised in the letter, sir.

3240 **The Bailiff:** Now Deputy Le Clerc is entitled to speak, as the President of the Committee *for* Employment & Social Security.

Deputy Le Clerc: Thank you, sir.

3245 The Committee *for* Employment & Social Security asks the States to reject the Requête. Our objection is on the grounds of principle and policy, not on grounds of cost. We believe that the rules that are in place do not require change. We do not accept that the arrangements are unfair, nor do we accept that there has been an injustice in the case that gave rise to the Requête.

3250 As just said, we do not oppose the Requête on grounds of cost. We have accepted that, within the context of total pension expenditure of £128 million per year, the cost of increasing the value of perhaps fewer than 10 pensions at any one time is negligible. But we oppose the Requête on principle because those very few people who would be advantaged by the Requête would actually be treated more favourably than anyone else.

3255 If Members have read the briefing note that we sent to Policy & Resources, and which was attached to P&R's letter of comment, it will quickly be appreciated that the Requête concerns a very complex area of the Social Security legislation. The old rules were complicated, the new rules are complicated and the transitional rules to get fairly from one to the other are even more complicated.

3260 I am very grateful to those Deputies who were able to get down to Wheadon House last week – well it was not last week, it was a few weeks ago now – to attend one of the two sessions that we held to explain the issues and to answer questions. I can predict with some confidence that if this debate gets involved in the fine detail of the rules, we will get ourselves into a dreadful muddle. I know that to be so from the discussions that I have had with Members and staff over the last few weeks. Such detailed debate will run a high risk of errors of fact and misunderstanding and that is why I am going to try to stay away from detail as much as I can and
3265 I am going to put the case for the rejection of the Requête on grounds of principle.

It was a principle of the pre-2004 system that widows' benefits were lost on remarriage or living together before reaching pension age. That principle remains in the current system for the now gender-neutral bereavement benefits. Bereavement allowance and widowed parents' allowance cease on re-marriage or co-habitation, before reaching pension age.

3270 It is consistent, therefore, that the transitional provision for a woman who was married as of the end of 2003, widowed before reaching pension age, and also remarried before reaching pension age, should lose the protection of being able to rely on 100% of their late husband's insurance record.

3275 It is entirely consistent and more than fair that she should access to a share, and that was 62% of her late husband's record, as of 31st December 2003, and to rely on her own insurance record from 2004 up to pension age. That puts the widow who has remarried in the same position at pension age as a married woman who has not been widowed. They are both married women reaching pension age and both responsible for their own insurance records since 2004.

3280 The terms of the Requête make its application very limited. That is good from the expenditure aspect and which is why we are not opposing it on grounds of cost. But it is a very strange condition that the widow who remarries is offered special advantage if her second spouse is not entitled to a Guernsey pension. That second spouse may have a pension from another country; or have another income or wealth. It is a strange condition that has no relevance anywhere else in the Social Insurance legislation. The only relevant fact is the fact of remarriage.

3285 The insurance record of the second spouse did not have relevance under the pre-2004 rules, as
the widow who remarried would lose all entitlements attached to her late husband's record and
be reliant at pension age on a share of the second husband's record. That may have been to her
advantage or disadvantage, depending on the second spouse's contribution record. But I repeat
3290 that the pension position of the second spouse, post-2004, has no relevance. So what relevance is
the Requête attaching to it?

I would also note that, if the Requête were to succeed, it would mean that a remarried widow,
in the circumstances described, would be able to use 100% of her first husband's insurance
record, right up to pension age. This is a more favourable position than for anyone else. The
widow who does not remarry before pension age is entitled to use 100% of her late husband's
3295 contribution record, up to the year of his death. From that point up to reaching pension age, the
widow must rely on her own contributions.

Sir, in summary, there is not a good principle-based case for supporting the Requête. The
existing rules were well thought-out and carefully considered. The rules are fair and do not give
rise to injustice in the opinion of the Committee and I ask the Members to reject the Requête.

3300 **The Bailiff:** Deputy Inder.

Deputy Inder: Okay. I am trying to work out what has actually happened today. I am going to
get to the bit about this £22,000. We agreed that States' salaries would be left to an independent
3305 review panel. The report arrived with an effective saving of £200,000, but that was ... I am sorry, sir,
I am going to have sit down, I am having a bit of a balance issue at the moment. I am sorry, sir, I
am going to have to not speak. Sorry.

The Bailiff: Deputy Paint.

3310 **Deputy Paint:** Thank you, sir.

I would like to state that I am a man of principle but I hope I have got a good helping of
common sense. As a man, if my wife died tomorrow, I could remarry within a few weeks and lose
none of my pension, or state pension. If a woman remarries, she loses all the money her deceased
3315 husband had paid into Social Security. If her husband dies with an occupational pension, his wife
will receive half of what they jointly paid into the pension, whether she gets remarried or not.
Where, if she died first, her husband would have the full amount of what he paid into the
pensions.

Is that both fair to man and woman? In my view it is not. But the private occupational pension
3320 is no doubt much fairer than the old age pension as done by the States. One cannot opt out of a
state pension because it has other benefits associated with the Social Insurance payments, but
one can shift occupational pensions, very fortunately.

I have got a few examples here of what happened to me. I paid into the Merchant Navy
Officers' Pension Fund for many years. If I had stayed in the Merchant Navy up to the age of 61 I
3325 may, and I repeat may have had a decent pension –

Deputy Le Clerc: Sir I think this goes beyond the Requête. It is talking about occupational
pensions and we are not talking about occupational pensions. The subject is already confluent
3330 enough without talking about occupational pensions.

The Bailiff: Deputy Paint.

Deputy Paint: Sir, I beg to differ. There is a very large difference, which I will explain later. So I
would like to carry on, sir.

3335 **The Bailiff:** Are you able to explain now what the difference is?

Deputy Paint: Certainly, the difference is that there was a lady – if I can just go down my speech – a civil servant's wife who lost her husband in 2011. After many attempts to get hold of the pension authorities over here, it took nine months to get her pension. If she had had the widows' pension, it would have helped her a long time until the nine months were over. If I can just carry on. I am sorry, let me finish with this one.

Deputy Le Clerc: Sir, I want to give a point of clarification, because a widow would be entitled to 12 months' widows' benefit, so they would have received assistance, 12 months' bereavement benefit.

Deputy Paint: You are absolutely right but of course, she had funeral costs to pay and she had perhaps a mortgage to pay and she would not have been able to do it. So I am sorry you are wrong.

The Bailiff: Carry on, Deputy Paint.

Deputy Paint: Where was I? I just do not like to be attacked like this in a reasonable speech. I am not trying to hit anybody yet – but I will later! (*Laughter*)

The Bailiff: Do you wish to go back to where you were, Deputy Paint?

Deputy Paint: Thank you, sir.

Now, where was I? Yes, my pension. I may have had a decent pension. When I telephoned the Merchant Navy Officers' Pension Fund, attempting to continue paying it, they said I could not because I had become self-employed. So I said, 'Fine. What would my pension be at 61?' They gave me a figure. Later I telephoned them and it was half and my wife would only get half if I died first. So it is a little bit strange how promises change when you get to occupational pension time. That is one example and that is just me.

In 1998 I became a self-employed Guernsey general marine pilot and that lasted 21 years. The piloting Law stated that a marine pilot had to have an occupational pension, a retirement pension for when he came at retirement age, which was, I think still is for now, 65. I paid into this until I became a Deputy in 2008. The Law said I had to.

Six years after joining it, I found there was a huge discrepancy in the way that premiums were paid. Ten years later, I ended a battle with the States of Guernsey. It took me 10 years. Now, if anything had happened to me in that time, my wife would not have had a pension. Is that fair? No it is not. It became clear to me that occupational pension providers and their agents are only too pleased to take your money but, in the end, do not really want to give it back. And that worries me.

When I neared 65 I realised that and took 30% of the fund as a tax-free sum and reinvested it somewhere else. The remainder I put into a scheme and placed the money into safe investments, receiving dividends, which is my pension. Now I am free from continual broken promises and whatever my wife and myself will receive in the future will remain the same for both of us, no matter which one of us passes away first.

As you know, I led this Requête into this Assembly in my first term in this Assembly and it failed. But it is better to try and fail than not try at all. This Government does not appreciate the massive damage that was done to many widows after the States' decision on 30th April 2003. To me, the 17 Members of this States and of the States in 2008 and 2012 thought it was an insult to all women that became widows to lose the money their former husbands paid on their behalf. An insult.

Now if a woman remarries and loses what she should have received at retirement age it is only adding insult to injury, in my view. In my opinion the state have actually stolen this money from these widows, simply because, previous to 2005, their husbands had jointly paid Social Insurance

on behalf of their wives and themselves. I think that money was actually stolen from the women by the state.

We will be debating a gender equity shortly within this term. Surely most of you can see that gender equity can only be if it suits, as it lies at the moment. We all know that many women have been treated very badly by the state in past years and I completely agree with that. But it is right to correct this problem any way we can and the sooner the better.

I do not personally distinguish the gender of a man and woman, regarding how they are treated by the state. We are all human and we should be treated in the same way in every way. But we are not. Many women of my family suffered, in fact many members of my family suffered when my father died when I was 12 years old. There was no pension coming in. But these three women, my mother, my grandmother and my sister, continued supporting me until I became a man. God knows what would have happened to me if they had not done that. So reverse the situation and just think, if you were a husband or wife, what would happen if it was you? Because that is the way I run my life.

Let us just look at divorced women for the moment. They were treated reasonably well. They were entitled to 62% of Social Insurance payments that their husband had paid for them, during the length of their marriage. Now that is, to me, quite reasonable. But this money had to come from somewhere to pay for them, because their husbands still had full pension. There was nothing deducted from the husband. I do not disagree with this but I am just making a point.

At this point I should point out that male and female divorcees both live and continue with the rest of their lives. I do not know how many women are divorced but I would imagine and I am told it is 35% of the population. In contrast, the widows were given a bereavement grant for a year and left to their own devices. Is that fair? I do not think it is.

Social Insurance payments, previous to 2004, were both from husband and wife for the joint old age pension and in the event the wife has a widows' pension, in the event that she became a widow. In 2004 the widows and divorcees do not seem to sit very well together. There appears to be some bias in favour of the divorcees and against the widows. Widows are left on their own and many couples did not earn enough to pay private pensions. So they are poor people, especially when the earning income is gone.

In the past there were two very different roles for men and women and I do know things have changed now, but perhaps not for the better. Many married women now have to find gainful employment to support their family. As well as their husband's employment to make ends meet. It is at a huge cost to the family in family life, that is.

For example, I have already been through this about the civil servant's wife. I supported her. I went to see the authorities and what actually happened is that, within a week, she phoned me up and said the matter had been resolved. Nine months it took.

So we will move on now to another example. A woman who approached me, approaching retirement in 2004, was in a very different situation. Most of their married lives were looking after the family, that is the women that is, bringing up children, cooking and washing for their husband and many other things. This woman got hold of me in 2008, when I first knew about the problem, and this is why I brought the Requête.

This woman had become a widow at the age of 59, after the change of Law in 2004. She had done all I have stated above, plus she had managed all her husband's financial affairs, while he was working as a self-employed carpenter, for no pay herself, because she considered it as a family business. But that is not reasonable. They had very little savings and, after her husband died, she had to find a job and manage on whatever few savings they had, until she became of pensionable age.

On 30th April 2003, the day of the debate, as far as I know, no other States' Member was willing to fight the widows' corner. Perhaps if they had, we would find ourselves in a very different situation to what we are now. In my opinion this was all a one-sided debated and I still cannot understand why the States, after all this time, was driven to take such a bad decision, to stop

3440 widows' pensions, for all women who became widows after January 1st 2004, but I can speculate; which I will not.

It seems to me that there is a massive inconsistency between the Civil Service occupational pensions and what the States at that time considered the pensions to be good enough for the general public. It can only be considered as double standards. There are plenty of pensions to be paid but the ordinary people of this Island cannot have. That is a shame. One only hopes that, very late in this Assembly, you will see the problems that have occurred to these women, who are widows, out of the loss of the widows' pensions in 2004 – they have suffered greatly.

3445 I have, for 53 years this year, been married. I have always ensured that my wife and my children, and now my grandchildren have been well provided for. I have always put them before myself. That is what people should do, regardless of gender. The reason for this: I sincerely believe that, as a husband, and parent and a grandparent, I am responsible for all my family's welfare until the day I die.

I have worked in hazardous occupations all my working life and I have managed to provide for all of us for a number of years to come. If something had happened to me in these risk industries, I am afraid the States would have let my wife down after 2004 and I am very not happy about that. I consider myself fortunate. I am still here, nearly 72, I managed to do all that I said and I am a minority among the citizens of Guernsey, mostly by living week by week or month by month and never had the opportunity to take up occupational pensions, which I would not advise to do anyway.

3455 You may later hear a load of waffle how well-off old people are. Yes, these widows have managed but they have had to. Whereas it would have loosened the effect on them if the widows' pension had continued. In Guernsey at the moment, there is a huge mistrust against this Assembly. There are many reasons for this so please help to put right what is clearly wrong towards widows, who because of their marriages to their husbands have ended in premature death.

3460 Sir, I will just finish by saying this. No one in this Assembly is above the Law. Every one of us is. I mentioned earlier that I believe that this money had been stolen from these women. The definition of stealing of 'have stolen' can be described as permanently depriving the owner of possession, whether they be a male or female.

3470 A husband previously paid, until 2004, into Social Insurance for him and his wife. Therefore, whatever had been paid by a man for his wife can be described as theirs. To have this taken away can be considered as a theft, in my opinion. Furthermore, those who voted to deprive these widows of the widows' pension in 2003 and vote against this Requête, and the previous one, can be described as aiding and abetting what is a crime. And I use that literally.

3475 If I had been a wealthy man, this matter would have been taken to court. But it would have cost a fortune. I sincerely and ultimately believe that our women, our wives, our families, have been deprived of what was rightly theirs and I will leave it there.

Thank you, sir.

3480 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

Deputy Le Clerc urged us not to go into the details of the scheme but I am afraid I think I am going to have to. Because what we have heard so far has been a lot more heat than light. We have heard an impassioned speech from Deputy Paint, but it had far more to do with the loss of widows' pension, which is not even remotely the subject of this Requête than it does to what this Requête is addressed. Even, with respect to Deputy Ferbrache, it almost felt to me as if he did not understand how the scheme worked and what he was seeking to change –

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3490 **Deputy Ferbrache:** I would be grateful if Deputy Roffey would not be patronising. If he would treat people with respect. I appreciate that he always thinks he is right, but he is not. Can he treat me with respect? So I would be grateful if he is not patronising.

3495 **Deputy Roffey:** What I am saying is how it sounded to me, sir. If it causes upset, then of course I will retract it. But then I am almost more shocked with what Deputy Ferbrache is trying to do if he does fully understand it. Because we are being told that this Requête has been sold on principle and on common sense. It is neither principled nor common sense.

Please look at the Propositions attached to the Requête and particularly (b) –

3500 **Deputy Lester Queripel:** Sir, point of correction.

The Bailiff: Deputy Lester Queripel.

3505 **Deputy Lester Queripel:** Sir, Deputy Roffey just said 'principle' and 'common sense'. I have not heard that in this debate. I have heard principle and policy from Deputy Le Clerc, but not principle and common sense by anyone. I may be mistaken but I stand to be corrected.

3510 **Deputy Roffey:** It is not a point of correction, it is just a point of Deputy Queripel saying he has not been paying proper attention, because both those expressions have been used by people speaking in favour of the Requête.

3515 Please look at what the Requête is trying to do, in particular Proposition (b) and it relates only to widows who are remarrying following the death of their husband; but remarrying to a person who has no Guernsey pension record or entitlement. It is utterly discriminatory. It is saying that those widows that remarried somebody who has worked and earned in Guernsey, and therefore have a contribution record, should be treated less favourably than those who marry somebody who has no contribution record.

3520 Deputy Ferbrache said, 'What is the sin here, is the fact that somebody wants to remarry? Do we think that that is wrong?' If his Requête is successful we will be penalising that £2,000 a year, or whatever it is, somebody who happens to remarry somebody who has lived and worked in Guernsey, as opposed to somebody who has never done so. If that is fair then I am Gunga Din and I am not Gunga Din. And I speak a bit of Hindi as well, but beyond that we have not got much in common.

3525 To be honest, I confess, when this Requête was first published, I was largely side-lined from politics at the time for personal reasons. So I just skip-read it and I do not think I fully understood it. I assumed it was aligned with what I would call the Deputy Paint agenda of let us go back to the pre-2003-04 days, when we had widows' pensions and we treated widows very differently. But I was wrong. It has nothing do with that. In fact it seeks to tinker with one of the few areas where the current regime is actually more generous than the old one was in the treatment of widows. That is their treatment if they happen to remarry.

3530 But, as I said, it does so in such a way that would be hugely discriminatory and unfair on the majority of Guernsey widows who later remarry. Let me explain. Under the old post-war system, which persisted into the early 2000's and in my view, and here I will probably differ with Deputy Paint, probably persisted far too long, Guernsey women were treated effectively as being wholly economically dependent on their husbands. I do not say that the Island regard them as chattel, because that would be inflammatory, but as far as family finances were concerned it actually was not that far off.

3540 As a result, yes they were treated far more generously than today by what was then the States' insurance, when their husbands died. But on the other side of the coin, they were treated far less generously than today if they remarried. Because by the credo of the time, they had hit the jackpot. They had attached themselves to a new breadwinner and so therefore needed to no longer have any consideration or respect for the record with their former husband.

So in the old days, pre-2004, the widow would receive a widows' pension until she reached the age where she qualified for the old age pension. It was not means-tested. She could be in a well-paid job, she might be an advocate or a doctor, but she had a universal right to a widows' pension because she was perceived to having lost her main breadwinner. Of course, no such provision existed for widowers.

These days, the widows' pension is gone and I know and I respect the fact that there are some that very much regret that. But that, I repeat, is not the subject of this Requête. Rather, it is about something else, which changed in 2004. But in this case it is about something that has changed to be more generous than it was previously. In the old days a widow could use 100% of their former husband's contribution record in the calculation of their States' pension. They still can, up to the point where the system changed, which then gave them a record in their own right.

So if their former husband had a full record until his death and if she has paid her stamps since 2004, she will be entitled to a full pension, just like she would have been under the old system. Absolutely no change there. Rather, the change is in what happens if they remarry. Under the old system, so beloved by Deputy Paint and Deputy Ferbrache and some others, they not only lost their widows' pension but any right to use any of their first husband's contribution record when calculating their own old age pension.

Why should they, was the thinking of the time. 'They have a new man to look after them now, they do not need to use their former husband's – who has unfortunately died – contribution record.' Now the current system, in that regard, is far more generous than the old one. If widows remarry now, they can still keep 62% of their former husband's contribution record.

Why 62%? That figure was chosen because the old married couple's pension, as it was called, which could be earned solely on the husband's contribution record, was 62% higher than a single person's pension at that time. Coupled with their own record, I hope everybody is keeping up with this, since the reforms of 15 years ago, that would typically translate into an 80% pension, or thereabouts, for someone retiring today after remarrying.

Hence the figure of about £2,000 here, because the old age pension was roughly £10,000 a year, so 20% less than that was £2,000 a year difference. Of course that figure will rise, it will be more than 80% as we go forward through the years, because the length of time they will have had their own contribution record in their own right will extend.

So, we have gone from allowing remarried widows to keep 0% of their former husband's record to 62%. But now Deputy Ferbrache wants to change that to 100%. Fine. There is an argument for that, I suppose. The problem is he only wants to do that for a tiny minority of remarrying widows. Those who marry someone with no Guernsey contribution level.

I give way to Deputy Paint.

The Bailiff: Can you put your microphone on, Deputy Paint?

Deputy Paint: I think you will find the 62% is for divorcees, not for widows. So I think that Deputy Roffey is perhaps waffling a bit. Thank you.

Deputy Roffey: No, sir. It is exactly the same. Yes, he is right, it does relate to divorcees as well, because they are in the same situation. But if a widow in Guernsey now remarries, they can now keep 62% of their former husband's contribution record; their first husband's contribution record. It used to be 0%, now it is 62%.

As I say, Deputy Ferbrache wants 100%. Fine. We all like to give money away. But the only trouble is he is doing that for a tiny percentage of remarrying widows. Those who are going to remarry someone with no Guernsey contribution record. Now, why on earth would he want to do that? It is not as if widows who remarry can in any way use their new husband's contribution record. They cannot do that at all. So there is no economic advantage for a widow to remarry someone with a local contribution record. They do not inherit anything by doing that. So why did we want to disadvantage them in the way that is set out in this Requête?

3595 It sounds all very complex. Let me put it another way. We often talk about Mrs Le Page from Torteval. Well, poor old Mrs Le Page, unfortunately, she became a widow when she was 40-50 years old. She is the widow Le Page from Torteval. Under this Requête she marries Mr Bourgaize from The Vale, she will only be able to keep, as present 62% of her former husband Mr Le Page's contribution record.

3600 But if she marries Mr Smith from Hampshire, who may actually have far better pension provision than Mr Bourgaize from The Vale, but it is not a Guernsey pension record, she would then, under this Requête be £20 better off than if she had married Mr Bourgaize, because she would be able to keep 100% of her former contribution record, instead of 62%. That is fair? That is principle? That is common sense? It is none of those things. It is discrimination against somebody that actually likes another local person enough to remarry them.

3605 I am not an overtly nationalist person, I never do go about trying to discriminate in favour of locals. But surely it is going just a bit too far to say that we would treat people less favourably, widows' less favourably, if they remarried to a local than if they remarried to a non-local who has never lived nor worked in Guernsey; which is exactly what this Requête will do? It is pointless.

3610 Of course we could in theory allow all widows who remarry, whoever they remarry to, to keep 100% of their first husband's record. Yes, that would be fair. It is not what this Requête is asking for, though. It would be fair. This Requête only applies to people who remarry somebody with no Guernsey contribution record.

3615 It would impact on far more people, it would be a lot more expensive, just at a time when we know the pension fund requires a contribution increase under the current Rules just to remain sustainable in the long-term, but at least it would be fair and it would be equitable. Actually, as well as being expensive, though, that would be unfair on another large group of Guernsey people.

3620 It would be fair amongst the two groups I have described, but there are actually quite a large number of women, even before it was compulsory, who elected to pay the full stamp, as it was called in those days, in their own right, to make sure that they actually qualified for a full pension. Now we would be turning around to them, if we went further than Deputy Ferbrache and gave 100% record to all women that remarried and say that, 'Actually those extra contributions were for nothing. You will get no benefit for that because if you had just held your nerve we would have given it to you anyway without those contributions.'

3625 But, sir, as I say, this is not what this Requête suggests. This Requête is far worse than that. It does want us to discriminate against those widows who marry a person who has worked in Guernsey, and to treat them less favourably than a widow who has married someone who has never worked in Guernsey.

3630 I have no doubt that this Requête started out with a noble purpose, but somehow it has got lost in the translation, in the rules of the scheme or in the drafting of the Requête and what we have actually got before us is illogical and discriminatory in the extreme. I would say to members please throw out or if you do not throw it out, if you pass it then I ask Members you explain to Guernsey widows who remarry men who have spent part of their working life in Guernsey why we have chosen to discriminate against them in this way and treat them less favourably than those who married somebody from outside. Frankly, sir, I could not begin to explain that. Because there is no explanation. This Requête is well-intentioned nonsense.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

3640 Deputy Ferbrache was correct in one aspect of his speech when he said that the matter before us is very simple, because it is. Like many transitional arrangements, the transitional arrangements for the widows' pension were complicated. But the matter before us is simple because the Requête is very specific. It only concerns women who were married in 2003, subsequently were widowed and then remarried someone from abroad, with no Guernsey contribution record. That narrows things down helpfully and I will confine myself to that situation.

3645

When I was trying to decide how to pitch this speech, I had a series of notes that I had made for myself, so that I could understand the complexities of the situation and it dawned on me that all I had to do was tidy up my notes because, if they had explained it to me, they might well explain what sometimes, from the speeches, does sound a bit complicated. In fact it is relatively simple.

So I did exactly that and I used a comparative situation because I quite often find those useful. If one takes two married women, A and B, who had built up little or no contribution record in their own name prior to 2003, both relying on their husband's contributions, who are widowed and who then remarried someone with no Guernsey contribution record, Woman A who was widowed and remarried before 2003, would have been worse off than Woman B, the subject of this Requête, who was widowed and remarried after 2003.

This is because under the old system, Woman A would have lost her all her entitlement related to her first husband contributions on remarriage, whereas Woman B's pre-2003 entitlement is preserved, banked, under the transitional arrangements. In both cases, of course, since 2003, the women would have been building up their own contribution record, and therefore entitlements under the new system.

So the subject of this Requête, Woman B, would not only be entitled to a pension based on her first husband's contributions up to 2003, but also to a pension based on her own contributions since 2003. Woman B could be considerably better off than women of similar circumstances would have been under the old system.

Therefore, the transitional arrangements cannot be described as causing the unfair and unnecessary hardship claimed by the Requête. Quite the opposite. The Requête makes much of the fact that Woman B's second husband has no Guernsey contribution record but, if Members have followed me so far, they will understand that is completely immaterial to her pension. She will not receive a greater sum, even if her second husband had a full Guernsey contribution record. Her pension is solely related to her late husband's contributions up to 2003, and her own contribution since that day.

The crux of the matter lies in paragraph 4 of the Requête, where the requérants state that a woman, widowed after 1st January 2004, cannot elect to substitute her late husband's contribution record for her own. This is simply incorrect. In fact her late husband's record up to 1st January 2004 is banked and available to her, to add to her own record from that date.

So this Requête is based on a false premise. Surely a good enough reason, in itself to reject the Prayer of the Requête, never mind the anomaly, which was so clearly expressed by Deputy Roffey, that you are disadvantaging somebody who actually marries somebody with a Guernsey contribution record. So I ask the Assembly to reject this Requête because, as people have said, it is obviously well-intentioned, but it is simply going to be disruptive and is extremely misconceived.

Thank you.

The Bailiff: Deputy Merrett.

Deputy Merrett: Sir, I will try to be quite brief, because I do not know whether I should be going home, to be part of my family, or go to the police station to go and inform them and say I am aiding and abetting something. So I will be quite brief. My concern with this has been very well articulated by Deputy Roffey and Deputy Langlois.

To me it does appear, and I think Deputy Paint as well as alluding to the good old days when my good self would be at home raising my family, is that this is only for people who have no Guernsey pension entitlement. So that to me feels like double standards. My understanding of this and I am quite happy to be corrected by Deputy Le Clerc or Deputy Ferbrache, is that if, as articulated earlier, I was not born that day, I do not think, but if my husband died, if indeed I was even married, then if I married somebody from the UK, I would be able to get my pension still from my deceased husband and also take advantage – if it is seen as such – of living with somebody from the UK and their pension.

3700 But, if I married somebody that had a Guernsey pension, then I would not. That to me is manifestly unfair. Now I hate to put it in such simple terms, but that is how I see it. So that, to me, is manifestly unfair, and I think that would be double standards to have, if you were to marry somebody from a different jurisdiction with a different pension, I could still get my first husband's entitlement, 100%-wise, but if I married somebody locally, then I would get considerably less. I would not get 100%, I would get 62%.

3705 I cannot understand the logic of that, I am struggling with that. So I am really hoping that if Deputy Ferbrache could sum that up. That is before I then decide to go home to my family or I go to the prison in case I am aiding and abetting.

Thank you, sir.

The Bailiff: Deputy Gollop.

3710 **Deputy Gollop:** Sir, thank you.

I was just looking back thinking about that we used to have, when I was younger, coming to the States or sitting in the Gallery, quite a lot of ecclesiastical Members, who were Methodist ministers or lay preachers or readers. We kind of lack the holy texts now and I was just looking back on the texts and the Bible; both Old and New Testaments, are fully of injunctions to support widows. It is always about, Isaiah said:

To turn aside the needy from justice and to rob the poor of my people of their right, that widows may be their spoil ...

Then we come on to Job:

You have said widows are very empty and the arms of the fatherless were crushed.

3720 We even have a proverb, as well, along those lines, which is important in its way. I have lost it now, but never mind. Yes:

Do not move ... or enter the fields of the fatherless who plead their case against him.

3725 That of course came from a different society and I have sat on this Social Security Committee and its predecessor. Not the one that Deputy Lowe was minister of, or Deputy Dorey, but the one that Deputy Allister Langlois was minister of as well, and the issues came up before and Deputy Paint and other Members know that I have got a lot of sympathy for the arguments he has made, both on this Requête and some of the other issues that he has been campaigning on.

3730 But nevertheless I think we have heard from Deputy Langlois, Deputy Le Clerc and also Deputy Roffey and Deputy Merrett that there are anomalies and, to be honest, the whole thing is full of anomalies. Not only in the Requête before us but in the fact that, actually, we might have made a mistake, dare I say, back in 2003, in the States, because it did create a difference of outcome for people who were married and people who were in what might be called a common law marriage.

3735 That idea is definitely not applied in certain other areas, such as, for example, access to benefits. You do not get special treatment if you are on welfare just because you are living with somebody rather than if you are married. So I think all sides have to declare a bit of a truce there, as it did not go that smoothly.

3740 I would want to give a background on the Social Security Committee's thinking here, to enhance what has already been said. If the Ferbrache Requête succeeds, there will actually be a very low volume, of circumstances so limited, that we are told that, at an informed guess, there will be fewer than 10 cases in the system over pension age at any one time and at a guesstimate there might be £22,000 in total as a pension enhancement.

The Requête, as the President has outlined, is opposed in principle, rather than on cost; although there is a cost and potentially a higher cost. ESS have studied the history of the pre-2004 Social Insurance model, was reflected on the then Liberal MP the Right Hon. Mr Beveridge and his

3745 model of a nuclear, or whatever, family. But the male breadwinner was the key post-war norm, with the idea then of a wife looking after kids and children at home, with only occasional paid employment.

I am not so sure how far that applied to Guernsey, because we know hard-working families in Guernsey frequently took in guests or ran greenhouses, or whatever. But that was still the basis of
3750 it. The family was deemed, in a way, to be financially dependent on the husband. In those days widowhood and divorce were considered financially catastrophic, with a married woman's pension equal to around 60% of their husband's pensions, without paying contributions.

Therefore special protection within the Social Insurance scheme for widows and divorcees under-65 was made, with the widows' pension up to pension age, unless remarried or living as
3755 man and wife, plus weekly insurance credits. The divorcee of that era was entitled to an insurance record, 100% I believe, equal to the former husband up to the time of the divorce.

The 2003 ground-breaking Social Security reforms realised that that Beveridge post-war model was recognised as very outdated, with most women in paid employment. It was not really human rights compliant, in legal opinion of the day, and needed, too, to be gender-neutral and
3760 individualise contributions and benefits.

Abolition of reduced rate contributions and the introduction of contribution credits with family allowances was part of the menu. The widows' pension was limited to a 52-week bereavement allowance of one year, unless there were dependent children, and the overall impact was designed to ensure a positive outcome of improved pensions for women.

3765 The Social Security authority in the States of the day knew there was a need for transition and had to meet reasonable expectations of women in the system, particularly those nearing pension age, as today's 60-year-olds were at that time 44, when these reforms were approved. Widows' pensions and payment continued until they were 65, as an add-on to husbands' pensions for wives under-65 and allowed for 10 years. That guaranteed a best outcome.

3770 But women who were married on 31st December 2003 and were not widowed before that, as we heard, 62% of their husbands' insurance average, up to 2003, was available. That provision is banked and cannot be lost, unlike pre-2004. But women who were married on 31st December 2003 and were widowed before pension age, with 100% of their late husband's average up to the year preceding death, that provision was not banked and is lost on re-marriage before pension
3775 age, a fall back to the 62% with a need to maintain no record for widowhood until pension age was therefore in place.

The terms of the Ferbrache Requête, has the seven requérants confirming support for the 2003 reforms generally, but considers the case of widows who remarry sometimes unfair and they want a special rule for widows who remarried to persons with no Guernsey pension entitlement. In
3780 effect, it seeks a special case rule for widows, from that period in 2003, who wish to marry a person with no Guernsey pension. It can substitute 100% of the contributions.

The main Social Security Committee objection to the Requête is the existing transit provision already gives a better outcome than the pre-2004 rules, the rules of that era; 62% to 2003 is banked under the new rules and would be lost on the re-marriage under the old rules, pre-
3785 Millennium, and dependents attached to the second spouse could be better or worse.

The special rule would be more generous than in any other case, the Committee believes, as a widow who does not re-marry has 100% of her late husband's contribution record, up to the husband's death, not for the whole pension average period. The pension entitlement of the second spouse has no significance under the transition, only the fact of re-marriage is material
3790 and no other scenario where pension entitlement to a second spouse has any relevance.

Personally, as an individual Deputy, I consider the sums of public money relatively small, and will not be desperately sad or sleepless if Deputy Ferbrache and his team win. But I am still uncomfortable with the States' many years after the fact being used as a kind of forum, not just for a principle, but for a form of judicial review, and it sets a precedent and maybe unspecified
3795 problems for the future, at a time of pressures in the Social Insurance Fund and indeed the pressures on our staff time, as both are at a premium.

If the States agree to approve the Ferbrache Requête today, it could well lead to other claims on that issue and on parallel issues and I think we have moved away from the 1980's and 1990's, when frequently the States would be used as a kind of alternative Law Court, and I think a more appropriate place for considerations of this form of administration would be either a more root and branch policy reform or a judicial review.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

Deputy Paint stated we should not treat people differently. I agree. So how can I support a Requête which seeks to treat a few people better than others? I am afraid I cannot. The present position for one or more individuals may not be fair at the moment, as is claimed by the requérants, but that is not a good enough reason to elevate them above other individuals.

We must be fair. We must consider what this would mean to those who will be treated less favourably. They need to be considered too. It may appear, on the face of it, an easy win to help a few, but I cannot look someone in the eye, say I will treat people fairly, when I yet voted for a Requête that does not do that.

If it tried to rectify an injustice so that no one would be treated differently, obviously my position would be different. If it did, maybe the position of the Committee *for* Employment & Social Security would be different. I think the President of ESS clearly set out the Committee's position, without complicated explanations, which I think was helpful. I thank her.

Deputy Roffey enlarged on this and again I have to agree with him. Mention has been made of widowers. Are we to consider re-looking at their position if we are to be fair? I was part of a group of women parliamentarians discussing just that last week, how we could push for equality, true equality. This certainly does not achieve equality between women, let alone between men and women.

Thank you, sir.

The Bailiff: Anyone else? No. In that case, we will now go through the speeches in reverse order, compared with how we opened. So, first of all, Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir. I will try to be brief.

I will start with Deputy Paint and I apologise for interrupting Deputy Paint, but some of what he was saying was factually incorrect and I was trying to correct him in that way. It is just to really re-clarify that widows and widowers who remarry do not lose all of their entitlement. They still retain 62% of that banked contribution record of their late husband.

Widows were not left to their own devices in 2004. Deputy Gollop has touched on this, as have others. There is a 52-week bereavement benefit that is paid to all widows and widowers. We must remember, again, that pre-2004 widowers were entitled to absolutely nothing and it is because of fairness and of gender equality that, actually, the rules had to be changed in 2003-04.

Deputy Merrett, and Deputy Merrett is not here in the Assembly at the moment, I am not sure I can answer her question today, because I think her circumstances might be slightly different, because I am not sure when she moved to Guernsey with her husband. I will arrange for one of our officers to listen back and we will get some information back to her. Again, she talks about UK pension entitlement and I think UK pension entitlement will be very different. The 62% banked is just specific to Guernsey.

I will give way.

Deputy Oliver: Thank you.

Sir, I do not believe Deputy Merrett was specifically saying about herself, she was just using herself as an example, saying, 'If I married someone non-local or if I married someone local then there would be a difference.'

Deputy Le Clerc: I think, sir, that comes back to some of the complexities that we talked about earlier, because people's circumstances will be different, depending on when they arrived in Guernsey, contribution records, etc. So it is very difficult to give a generic answer to that question.

Deputy Gollop, I thank him for his support. You never know which way Deputy Gollop is going to go but I do thank him for his support today! I think he has got a point that there may be a flaw in the current legislation about living with somebody rather than having to be married and I think that is something that the Committee should pick up on, because that would be unfair.

Again, I thank Deputy Tindall for her support. Deputy Ferbrache, perhaps I am taking it a little bit personally, but I felt he was making me out to be some cold-hearted woman that did not care about widows and pensioners. That is absolutely not the case. Deputy de Lisle has got a little grin on his face, sir, but I have stood in front of this Assembly for the last seven years, championing the need of the most vulnerable and the poorest in society, so I hope Deputy Ferbrache was not painting me as some cold-hearted woman because I am absolutely not.

When I come back to the States in November, for the Budget debate, and I am asking for an uplift in our Uprating Report so that we can feed another 400 children in this Island that are not being fed at the moment, because we are not paying the benefits, I hope that people will remember that. (**A Member:** Hear, hear.) I know that is going off topic but others have done so as well.

I would just reiterate I think Deputy Roffey has clarified the position and I just want to reiterate that in this particular case, and Deputy Ferbrache has referred to this particular case, this particular person has got 62% of her late husband's pension entitlement banked. That has not been taken away. Deputy Paint used these words, that has not been stolen from her. I urge you to reject the Requête.

Thank you.

The Bailiff: Deputy St Pier.

Deputy St Pier: Only very briefly, sir. I have nothing really further to add to the debate other than –

Deputy de Lisle: Sir, I just wanted to come in on that.

The Bailiff: Deputy de Lisle, is this a speech?

Deputy de Lisle: No, it is not, but it is just in reply to the point that was made about me.

The Bailiff: Well you have not got a right of reply, Deputy de Lisle.

Deputy de Lisle: I would just like to say that I stood up in front of a Jersey audience only last week, (**The Bailiff:** This is a speech.) praising the integrity of Deputy Le Clerc.

Thank you, sir.

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir. I will perhaps start again.

In opening the debate I indicated that a majority of the Policy & Resources Committee were supporting the position of the Committee *for* Employment & Social Security. Having listened to the debate, I understand it is unanimous that the Policy & Resources Committee support the Committee *for* Employment & Social Security and therefore oppose the Requête, sir.

The Bailiff: Deputy Ferbrache will now reply.

Deputy Ferbrache: Let me deal with the almost penultimate point made, that was by Deputy Le Clerc. Nobody is saying she is a cold-hearted woman at all. In fact, we know that from her record in the States, she is just the opposite of that. But the fact is she has got this one wrong. Because if you can remedy an injustice, you remedy it. The fact that you cannot remedy all injustices is no excuse for not remedying one.

That is where she is wrong. There is an adage, a saying, and only part of it applies, but I will quote the whole saying, which is:

What a tangled web we weave, when we practise to deceive.

Now, nobody is practising to deceive here, but what a tangled web that has been woven, by people like Deputies Langlois and Roffey, saying how complicated it is, or it creates injustice. How does taking away an injustice create an injustice? I fail to understand that because if, and Deputy Gollop has alluded to it, and Deputy Le Clerc also in her closing remarks alluded to it, why distinguish between cohabitation and marriage? Because if you cohabited, if this person cohabited, she would receive an extra £42-odd a week, £2,200 *per annum*. Because she has chosen to marry somebody she has lost £2,200 *per annum* that she would otherwise have received.

Now I fully accept, I always understood and I am grateful for the comments of Deputy Roffey, but he can always be assured that when I stand up in the States I research what I am talking about. I am very grateful to him, I know he has been in the States a lot longer than I have, overall, but that does not make his knowledge of the States any better than mine. But I am very grateful to him for his introductory comments, which I commented upon at the time.

In relation to that, of course she, to use the phrase used appropriately by Deputy Le Clerc, banked the 62%. But nevertheless she lost 37% or 38% or whatever the precise arithmetic may be. For what reason? Deputy Tindall said that she was at a women's parliamentary conference last week. I do not know, now we have got gender equality, why we have separate gender meetings, why we cannot have men and women together, because that is the two sexes and I am familiar with, men and women conferences rather than women conferences; but that is by the by, that is a different issue. If there were male-only conferences it may have been said that those were being unfair and being prejudiced.

But what I would have hoped that she would have carried forward from her conversation with her colleagues, or whenever it was, was that she should do everything she could to fight any injustice. Even if she cannot win all the battles, if she occasionally could win a skirmish or a minor battle here, we are not talking about El Alamein, we are talking about a little country skirmish. If we could win a little country skirmish, for some people that may be of some advantage.

Goodness me, look at the effort that has been put in to repulse this particular, very limited, Requête. It was a bit later in the debate than I expected before I heard the word precedent. I heard it from Deputy Gollop. It is referred to in some documents that I referred to in detail. 'It will create a precedent.' I have heard that so many times in my life, I have heard judges say it, I have got angry with them because what they should be doing is judging the particular case before them.

I have got angry with the States when they say that. I get angry with individuals when they say it. Look at the case before you. Look at the Requête before you. If that has to be expanded, that is a completely separate policy debate, a completely separate policy letter or Requête, which would then be considered by the States.

Look at the massive effort, it has probably cost more than £22,000 to set their face. The Committees have set their face against this Requête, a five-page note, dated 23rd July, to over 2,000 words. How much effort must have gone into that note to be prepared by civil servants and reviewed by politicians; the two half-day or two whatever sessions that States' Members went to a few weeks ago, as Deputy Le Clerc said. How much effort and how much time did they have to build into those to do all that?

3950 Deputy Merrett makes a good point. In an ideal world, I would like to have a magic wand and I would like to be able to wave it. I would be like Sooty could do and wave away all the injustices in the world. I cannot do that. What I can do, with the able assistance of an excellent speech by Deputy Paint, an emotion and principle carries you a long way, is to say we can, if we want to, address one minor injustice. To say there is no disadvantage to Mrs L, and perhaps another nine cases, as referred to in Deputy Langlois' letter mentioned, a maximum of nine cases, I think he said, 10 altogether, nine plus one is 10, I think, to say to somebody, well £42-odd, a mere bagatelle, forget about it, because on principle this is such a complex topic you have got to object to this amendment. I do not understand that. I still do not after some very able speeches against the principle that I and others are bringing. I still do not understand how that creates an injustice, how that is complex.

3955 The people who are making it complicated are Deputy Le Clerc, who is not a cold-hearted woman, Deputy Langlois and Deputy Roffey. They are the people who have spoken in particular in this matter who are making it complicated. I do not know why they want to make it complicated, because it is not.

3965 Keep it simple. Stanley Matthews used to pass the ball 10 yards and he was one of the greatest footballers the world has ever seen. Jimmy Greaves scored all his goals from inside the penalty area. One of the greatest strikers the world has ever seen. Because they kept it simple. Keep it simple, pass the Requête.

3970 **The Bailiff:** We vote then on the Requête and there has been a request for a recorded vote.

There was a recorded vote.

Not carried – Pour 11, Contre 22, Ne vote pas 0, Absent 7

POUR

Deputy de Lisle
Deputy Prow
Deputy Oliver
Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Lester Queripel
Deputy Le Pelley
Deputy Meerveld
Deputy Inder
Deputy Paint

CONTRE

Deputy Brouard
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Lowe
Deputy Laurie
Queripel
Deputy Hansmann
Rouxel
Deputy Graham
Deputy Green
Deputy Dorey

NE VOTE PAS

None

ABSENT

Deputy Dudley-Owen
Deputy McSwiggan
Alderney Rep. Roberts
Deputy Mooney
Deputy Trott
Deputy Smithies
Deputy Le Tocq

The Bailiff: Members, there were 11 votes in favour of the Requête and 22 against, I declare it lost.

COMMITTEE FOR HOME AFFAIRS

**V. Guernsey Prison –
Annual Report 2018 –
Debate commenced**

Article V.

The States are asked to decide:

Whether, after consideration of 'Guernsey Prison - Annual Report 2018', they are of opinion:-

1. To take note of the Report.

The Deputy Greffier: Article V, Committee for Home Affairs, Guernsey Prison – Annual Report 2018.

3975

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

3980

The Committee welcomes this opportunity to discuss the Report and it is perhaps helpful if we talk first about the rise in population numbers, which the prison faced in the latter part of 2018 and early 2019. The Prison accommodates a complex population and any significant rise in roll can place resources under increased pressure.

3985

With the increase of the Prison roll there was a rise in the level of violence and in the number of internal hearings or adjudications for dealing with prisoners who were subject to disciplinary measures. It may however be that many of the problems encountered could be attributed to a small number of particularly challenging prisoners who were in custody at the time. We are however glad to announce that the Prison population has reduced.

3990

As of yesterday, we have 83 prisoners, 73 convicted and 10 on remand. The Committee agreed in 2018 that an independent inspection of the Prison should be undertaken. The Committee was advised by the Policy & Resources Committee in July that funding for such could be made available from the Budget Reserve, conditional on a review being carried out in 2019.

3995

Discussions are continuing with H.M. Inspectorate of Prisons, but the Inspectorate has a pre-booked schedule covering 12-18 months ahead. The Committee is hopeful that P&R will be persuaded to allow the financial flexibility for the commitment to be made to the HMIP to schedule the inspection for 2020, but to carry it out in 2019 if a cancellation arises.

4000

The Committee is pleased to draw Members' attention to the close working that already takes place between the Prison and Probation Service to ensure effective offender management and, in this regard, the Committee is contemplating seeking for the Prison review to be linked to an independent review of the Probation Service, to see if there are greater transformational opportunities.

4005

I am aware Deputy Merrett raised concerns on the backlog of maintenance work. There are a number of maintenance priorities which are awaiting approval for capital funding. Further discussions are needed on capital prioritisation across the States of Guernsey and in this context we remain hopeful that some of the necessary work will be undertaken next year.

4010

In closing, I am pleased to highlight that the Prison has very recently conducted a survey with the inmates, with good levels of participation and engagement, as a result of which the plan is to further enhance the educational provision and ensure that prisoners gain skills, values, experience and the qualifications to support their rehabilitation in custody and resettlement in the community.

Thank you, sir.

The Bailiff: Is there any debate? Deputy Merrett.

Deputy Merrett: Thank you, sir.

4015 I was trying to listen intently to Deputy Lowe, in case she had covered some of the questions that I wished to raise and I apologise if she has done so but I cannot possibly try to type and cut and paste in this period of time. I am also going to struggle because I am going to try to read from my screen, which I do not personally find at all easy.

4020 First of all, I did lean towards the emergency debate on this Report because, as I did say in my speech supporting the motion, the Guernsey Prison Report 2018 is important because it contains the time the Prison roll reached 121 inmates and averaged 100. This was after five years of relatively low prison numbers.

4025 Some of the concerns and consequences of the increase were noted in the Report, for example the increase in adjudications and violence. We should also note and show due regard to the cost of detaining prisoners. The 2018 budget was £5.5 million and this means that there is a cost to our community of approximately £42,000 per detained prisoner *per annum*.

4030 Now regarding the statistics for health care appointments, that was a surprise to me, sir. There are 1,576 nurse appointments. That is a crude average of 15 per inmate. There are also 708 GP appointments and that is an average of seven per inmate. For clarity, are the health care costs included in the Prison's annual budget? Are they part of the £42,000 cost per inmate? I did not find that very clear in the Report. Or whether that comes from Health & Social Care's budget. Also, that would be 1,500 nurse appointments, alone, I think would be quite costly, and about 708 GP.

4035 It also contains limited comment on the postponement of H.M. Inspectorate of Prisons, which has been prepared and postponed due to funding. On page 6 of the 1.9, it states this may potentially be postponed until 2020, but again it is subject to funding. The questions I have, I would like some reassurances from the Committee *for* Home Affairs if this funding will be prioritised in their budget and I would also like to know when the last inspection took place and who decided to postpone this inspection, how often the Committee *for* Home Affairs considers it is appropriate to have inspections? Is it annually, is it every three years, every five years? What does the Committee *for* Home Affairs think is appropriate? That, again, I cannot find in this Report.

4040 As Deputy Lowe alluded to earlier, I am very concerned regards the comment referencing the maintenance priorities, in regard to what appear to be basic facilities that are not fit for purpose. Specifically the disabled showers, which appear to have not been fit for purpose for years. This is of concern. Also the backlog of maintenance. Now it appears, from reading the Report, sir, that the current procedure was followed, that funding was allocated but then withdrawn as a result of a review.

4050 It states the upgrade had been delayed until 2019 so that phase one and two can be done together. Consequently this means the business case needs to be re-submitted. They have to do it all over again, or at least that is my understanding, sir. So I do not understand why the review and determining that phase one and two should be done together was after the often lengthy and potentially time-consuming procurement process. This, coupled with a statement that it has not been fit for purpose for many years, is clearly of concern.

4055 Whereas the interesting and positive increase in the number of prisoners gaining accredited learning awards should be applauded; it is the re-offenders rate that needs to be closely monitored. I would like to ask the President if there is any evidence that accredited learning with – I cannot say it, sir – the rehabilitation – I can say it, if I slow down – of prisoners.

4060 Those are the questions that I have from the Report and I am hopeful the President, when she sums up, can give clarity to my questions and concerns.

Thank you, sir.

The Bailiff: Deputy Soulsby.

4065 **Deputy Soulsby:** Sir, thank you. I thank Deputy Merrett.

Some of the questions she has asked the President of Home Affairs I might be able to cover in what I want to say from a Health & Social Care perspective. I am quite pleased that the Assembly has agreed to debate the Report and that of the independent monitoring panel. Often these things go without much consideration, or worse, negative points are picked up by the media and the public gets a bit of a skewed view of reality.

I would just like to build on the health and care aspect raised in this Report. Some Members may not be aware that under the Prison Ordinance, the Prison Health Care Manager is required to provide a report to the Governor. Aspects from this report have been included, in turn, in his report. However I thought it was worth adding to what is in the Report, bearing in mind comments in the report we are going to be debating next, in order to give a clearer picture of the extent of work currently being undertaken by a considerable range of health care professionals to support prisoners.

To answer Deputy Merrett, prison health care falls under the clinical management of Hospital Services Medical Division. It is evident from the health care report that there is a comprehensive level of care being provided. At the end of 2018, the nursing team consisted of one full-time equivalent band 7 health care manager, one full-time equivalent band 6 and three band 5 nurses. This is in addition to GP clinics, held twice a week, and in-reach support from teams from the mental health community and midwifery.

Daily nurse-led clinics are held on a range of matters, new entrants are risk assessed. There is in-reach from key professionals, bi-weekly dentistry and opticians' clinics, as well as training on the use of prenoxad. The health care team hold regular meetings throughout the year, with prison-specific policies and protocols continually developed and introduced. The Island prescribing adviser visits the Prison for two hours most weeks, to support and offer appropriate training to nursing and medical staff, audit prison prescribing and assist with the development of pharmaceutical policies. Five drug administration charts are audited each month and the results fed back through the Health Care Manager.

Medical and nursing staff are proud to continue to achieve 100% and 95% of the audits throughout the year. The nursing team attend regular and relevant meetings with prison pathways and continue to be an integral part of the sentence planning processes. Prison nurses are actively involved in the weekly risk management meeting, which incorporates part of the process for all prisoners at risk of suicide and/or self-harm, and they attend regular reviews and all search prisoners.

A health care manager, or nurse, in her absence, attends the Governor's daily operational meeting, along with regular attendances at HSC Medical Division and Adult Hospital Services meetings, prison performance review, planning and development, finance, safer custody and ... meetings.

There were just 10 complaints out of 2,695 appointments in the year. That is 0.4%. Now that number of appointments, as Deputy Merrett has picked up, is interesting and I will finish on that point. Taking a rough and ready calculation of 225 per month from around 100 prisoners at any one time, works out as an average of two appointments per prisoner per month. That is more than the average Islander and it is not unexpected and is matched in other European jurisdictions.

There may be a number of reasons for that, but it may demonstrate the link that exists between justice and social policies, with those in prison generally coming from more disadvantaged backgrounds with poorer physical and mental health than the general population. Not only that, as the Health Care Manager states in her report, more prisoners are presenting with highly complex health care needs, with one requiring a lengthy admission in hospital and others having to attend the UK for specialist care not provided on-Island.

So the sooner we stop blaming the symptoms, such as use of drugs and alcohol, and focus on the causes, i.e. the wider social determinants of health, the better. The justice review will have an important part to play in that and I look forward to the time when we can debate it in this Assembly.

The Bailiff: Deputy Leadbeater.

4120 **Deputy Leadbeater:** Thank you, sir.

I looked through the Prison Report and also the IMP report and my comments are based on both the reports, just for Members' information. As the President mentioned in her opening, the rise in violence in 2018 cannot be directly linked to high prison numbers because the actual rise in adjudications was in relation to a small number of problematic prisoners. That spike in violence
4125 may have easily happened if there were as few as 60 or as many as 160 inmates in the Prison.

Prison staff monitor adjudication trends monthly to consider any rises and what this means in terms of control and compliance. Lots of adjudications for drugs, for instance, would mean we have an issue with illicit drugs in the Prison or medication being diverted. The Prison would always refer an assault to the Police, with the intention of getting a conviction. This includes prisoner-on-prisoner and prisoner-on-staff assaults.
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The trends for drugs and violence are downwards at the moment, which demonstrates that we currently have good levels of control and compliance. Reprofiting of the regime has also allowed a higher level of monitoring during visiting times, therefore presenting fewer opportunities for contraband to be passed from visitor to prisoner.

4135 The Prison underwent this regime reprofiling exercise at the beginning of 2019, which has been a huge success. It allowed closer monitoring of visits and feedback from staff suggests that the exercise achieved many other positives. Purple Visits began this year but they are currently on hold due to issues with technology.

Now health care concerns that were raised in the IMP report about information sharing have
4140 been addressed. Huge progress has been made and information sharing protocols have been agreed with the relevant departments. The works on the showers in J Wing have been approved and are currently at the design stage. Initially there was a delay because when a camera survey was conducted, collapsed drains were uncovered. This meant that the remedial works required were not just confined within the Prison walls. There are currently no significant issues with hooch and drugs in the Prison. The past hooch issues were down to a few UK prisoners no longer in our prison.
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The external finishes to the Prison that have required attention for a couple of years, I can affirm that the works have now been approved and have been scheduled for completion during 2020. Also, as mentioned in the IMP report, the running track has now been completed and is in regular use and I am sure that Members of E&I will be pleased to hear that we are encouraging them to get out of their getaway cars and look for a new carbon neutral means of escaping the scene! (*Laughter*)
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Sir, this is a brief summary of the issues raised within these reports and an update of developments since the reports were produced. The current roll states, as the President said, that
4155 there are 83 prisoners in total, 73 convicted, 10 on remand, and this is down to the normal levels that we are used to.

Thank you, sir.

The Bailiff: Deputy Lowe will reply to the debate. Oh, you wish to speak. How many other
4160 people wish to speak? Quite a few people. I think, then, we will rise and resume in the morning. If nobody was rising I thought we could quickly finish this evening.

The Assembly adjourned at 5.32 p.m.