



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**St James' Assembly and Concert Hall, Guernsey,  
Thursday, 19th March 2020**

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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, 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, J. I. Mooney

**St Sampson**

Deputies L. S. Trott, J. S. Merrett, T. J. Stephens, C. P. Meerveld

**The Vale**

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe, L. B. Queripel

**The Castel**

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

**The West**

Deputies A. H. Brouard, A. C. Dudley-Owen, E. A. McSwiggan, S. L. Langlois

**The South-East**

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

**Representatives of the Island of Alderney**

Alderney Representative S. Roberts

**The Clerk to the States of Deliberation**

S. Ross, Esq. (H.M. States' Greffier)

**Absent at the Evocation**

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

Deputy M. P. Leadbeater, Deputy P. R. Le Pelley (*indisposé*); Deputy G. A. St Pier;

Deputy J. C. S. F. Smithies (*indisposé*); Deputy S. T. Hansmann Rouxel (*indisposée*);

Deputy B. J. E. Paint (*indisposé*); Deputy M. H. Dorey (*indisposé*);

Deputy D. de G. de Lisle (*indisposé*); Deputy H. J. R. Soulsby; Deputy V. S. Oliver (*indisposée*);

Alderney Representative A. Snowdon (*indisposé*);

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The States' Greffier*

## EVOCATION

### Procedural – Proxy voting

**The Bailiff:** Well Members, most of the proxies that were in place yesterday remain in place today and there is no need for people to renew them on a daily basis unless for some reason a proxy they have appointed is not available. So once a proxy has been set up for the meeting it can certainly continue for the meeting. I will consider whether we say that it remains in place for the time being but I am not saying that this morning for the moment the proxies we have remain in place for this meeting.

We have one additional or two changes that I need to mention first and that is Deputy Leadbeater who is not present has appointed Deputy Lowe as his proxy or if she is unfortunately not able to be here Deputy Dudley-Owen. He was the proxy yesterday for Deputy Smithies so in his absence it is Deputy Dudley-Owen who will now be the proxy for Deputy Smithies.

As you will have noted neither the President of the Policy & Resources Committee nor the President of HSC are here, Deputy St Pier and Deputy Soulsby are both dealing with some urgent coronavirus matters. I am pleased to say it is not because they are self-isolating of all the people we need them to remain fit and healthy, they are dealing with some important coronavirus matters. I have given permission for them to appoint proxies certainly for this morning as they are not present and I am about to be handed a piece of paper. I think we know who Deputy Soulsby's proxy is, Deputy Soulsby's proxy is Deputy McSwiggan and I do not think Deputy St Pier has yet had a chance to communicate who his proxy will be but I will announce that in due course. I suspect I know who it will be but I will wait until I get the ... sorry – Deputy Le Tocq will be Deputy St Pier's proxy.

**Deputy Le Tocq:** That is correct, sir.

**The Bailiff:** Fine. Thank you. I think the fact that those two are not able to be present because they are dealing with urgent business to my mind just emphasises the point that it is so important that this Assembly prioritises its business. As we know this Government operates through Committees, while you are sitting here you are not dealing with Committee business and it is for you to decide where your priorities lie, but I would suggest that there may be some important Committee business that perhaps should be being ... You need to decide how you balance the priorities between Committee business and Assembly business, but I do just think it emphasises the importance of thinking carefully about where the priorities lie at this time.

That is enough from me. Greffier.

## Billet d'État VII

### POLICY & RESOURCES COMMITTEE

#### IX. Establishment of the Social Investment Fund – Propositions carried as amended

Article IX.

*The States are asked to decide*

*Whether, after consideration of the policy letter entitled 'Establishment of the Social Investment Fund', they are of the opinion:*

- 1. To note that the Social Investment Fund will be established in 2020 as a Company Limited by Guarantee.*
- 2. To rescind Resolutions 1, 2 and 4 of Article XIII, Billet d'État XX 2014 ('Culture and Leisure Department - Channel Islands Lottery - Administration Arrangements, Forfeited Prize Account and 2011-2013 Reports and Accounts).*
- 3. To replace Resolution 3 of Article XIII, Billet d'État XX 2014 ('Culture and Leisure Department - Channel Islands Lottery - Administration Arrangements, Forfeited Prize Account and 2011-2013 Reports and Accounts) with "To direct that any Channel Island Lottery proceeds are to be retained in the Channel Islands Lottery (Guernsey) Fund Appropriation Account and to delegate authority to the Policy & Resources Committee to approve their use for:*
  - (i) Funding initiatives designed to help and support individuals experiencing gambling problems locally;*
  - (ii) Providing a ring-fenced annual grant to the Committee for Education, Sport & Culture specifically for funding Beau Sejour Leisure Centre; and*
  - (iii) Transferring to the Social Investment Fund.*
- 4. To agree that a ring-fenced annual grant of a maximum of £700,000 per annum for the three years 2021 - 2023 be provided from the Channel Islands Lottery (Guernsey) Fund Appropriation Account to the Committee for Education, Sport & Culture specifically for funding Beau Sejour Leisure Centre.*
- 5. To note that the grant arrangement set out in proposition 4 will be reviewed by no later than December 2022 and proposals for any change made by the Policy & Resources Committee, following consultation with the Committee for Education, Sport & Culture, in the appropriate Budget Report.*
- 6. To approve the transfer of the uncommitted balance of the Channel Islands Lottery (Guernsey) Fund Appropriation Account as at 31 December 2019 to the Social Investment Fund.*
- 7. To agree that any balance of the Channel Islands Lottery (Guernsey) Fund Appropriation Account from 2020 onwards be transferred to the Social Investment Fund.*

35      **The States' Greffier:** Billet d'État VII – Volume III – Article IX – Policy & Resources Committee – Establishment of the Social Investment Fund.

**The Bailiff:** The Vice-President Deputy Trott will open the debate.

40      **Deputy Trott:** Thank you, sir.

Sir, in early 2017 the Association of Guernsey Charities proposed that a Social Investment Commission or comparable body be established. This would be a vehicle that would use both public and private funds drawn from a variety of sources to invest in the charitable and the third sector and would help build even greater partnership and joint working between the States and the charitable and third sector.

45

Similar bodies have been set up in other jurisdictions as a way of developing and supporting the third sector work to deliver desired outcomes in an efficient and sustainable way.

Following consideration of the 2018 Budget Report the Assembly agreed a proposal to establish such a body and directed the PRC to undertake the work to establish the body. The body has now been established as a company limited by guarantee called the Social Investment Fund.

During the period 2018-2019 work had been undertaken to unlock funding for the investment by the Social Investment Fund from resources such as the Guernsey surplus of the Channel Islands Lottery, Dormant accounts, Seized Asset Funds, HM Receiver General Funds and the transfer of the jurisdiction of the probate function enabling a grant to be made to good causes.

A working group advised on the establishment of the Social Investment Fund comprising expertise from the Association of Guernsey Charities, the Guernsey Community Foundation and the Lloyds Bank Foundation for the Channel Islands. This group looked at process, governance and structure together with the PRC Committee and its officers.

In February 2019 the PRC appointed three independent members of the Shadow Social Investment Fund following an open and transparent recruitment process. Jurat Stephen Jones O.B.E. who will also Chair the Social Investment Fund, The Very Reverend Tim Barker, the Dean of Guernsey and Mrs Susie Crowder.

The Social Investment Fund will be accountable to the States through the PRC in terms of its funding decisions and distributions. Once incorporated the PRC on behalf of the States will be the member of the company. The Social Investment Fund will provide annual accounts to the Committee and hold an Annual General Meeting with the Committee as the voting member.

The PRC will put in place a governance document which will set out the relationship between the States and the Fund, specify the funds for the Fund to hold, set any limits for awards to be made, and set out a policy for reserves to be held by the Fund with any excess funds to be returned to the States. Sir, all this will be published.

The governance document will also provide for the PRC to set the criteria for the prioritisation of funding awards to be made by the Social Investment Fund, these priorities could be revised by the Committee in line with any revisions to States' policies operational and/or funding priorities.

Now, sir, in that respect Deputy McSwiggan's amendment is a helpful one and one that the Policy & Resources Committee supports should she decide to lay it.

The objectives of the Social Investment Fund are indeed to support a strong voluntary sector capable of addressing the needs of our community, able to challenge Government policy and practice without fear or favour, and able to bring ideas and innovation to Government.

Now, sir, could current events be more relevant in emphasising the importance of a strong voluntary sector? I think not.

Sir, this is absolutely about empowering and enabling the third sector, it is absolutely *not* about harnessing them to the States of Guernsey. Indeed the PRC is aware that the shadow board of the Social Investment Fund is in the process of establishing general funding criteria, that address and support this objective.

A measure of success will be that the work of the Social Investment Fund builds capacity and capability in the non-government sector and encourages and supports volunteering.

We also envisage that the Social Investment Fund will work where appropriate with the Guernsey Community Foundation and the Association of Guernsey Charities. It is the third sector's ability to work in different ways to the States that we are seeking to support and absolutely not to curtail.

The Social Investment Fund will report to the States of Deliberation through the submission of an annual report to the PRC Committee for inclusion in the Policy & Resource Plan annual update. It will also hold an annual meeting with a presentation of its work to the charitable sector. It will be expected to provide more regular updates as its work progresses and as may be requested by the PRC. It will also be encouraged to meet with the States' Principal Committees to understand better their priorities and challenges.

To ensure transparency in its operations the Social Investment Fund will publish the details of the funding arrangements it enters into with applicants.

100 Now, sir, the PRC has already used its delegated authority to allocate £205,000 of the Social Policy Development funding within the Transformation and Transition Fund to support the establishment of this Fund and from the officer for an initial period of two years.

Following its establishment it is intended that the Social Investment Fund's future expenses will be met from its income.

The 2018 Budget Report included that as part of the work and I quote:

to establish the [Social Investment Fund] and source additional funding, the Policy & Resources Committee intends to work to unlock funds that might currently be out of reach, but which could be used for public benefit by the commission including, for example, balances held in dormant bank accounts and by HM Receiver-General.

105 This has been the focus of much of the work to date.

The policy letter sets out the funding sources that will be available for the Social Investment Fund in some case separate policy letters, future States' Resolutions and enabling legislation will be required to affect the allocation to this Fund.

110 The policy letter relating to dormant bank accounts will be considered by the Assembly in this term in line with numerous other jurisdictions the PRC has been exploring the establishment of a statutory scheme which will require the transfer of balances in dormant bank accounts. There is a proven and successful mechanism in the UK, Jersey and the Isle of Man for collecting money from dormant bank accounts and using those funds for good causes in the manner that I describe.

115 The Seized Assets Fund was set up in 1995 to create a much-needed additional resource in the fight against drug trafficking, HM Receiver General currently has oversight of the Fund and has established a dedicated committee called the Seized Asset Fund Committee comprising senior civil servants, the Law Officers, and the Head of Law Enforcement to govern the Fund. The Fund receives and holds forfeited assets confiscated locally and from foreign jurisdictions through criminal as well as civil proceedings.

120 Expenditure of the Fund is agreed according to its expenditure policy which requires that once all costs have been recovered, any identifiable victims compensated, and any assets sharing agreements honoured, the remainder is paid into the Seized Assets Fund – Criminal Justice Account or the Seized Assets Fund – Community Account.

125 The Criminal Justice Account is ring-fenced for use by law enforcement and the Law Officers use these funds to provide financial support for selected complex or resource intensive investigations. Individually identified international cooperation initiatives and procurement of specific specialist equipment.

130 Through the Community Account support is provided for broader States' work and charitable purposes such as community orders, crime prevention, drug and alcohol rehabilitation and mental health initiatives. Projects such as the Drug and Alcohol Strategy, groups such as Victim and Witness Support and other relevant charitable or not for profit groups.

135 The Policy & Resources Committee will work with the Committee for Home Affairs to ensure that the Social Investment Fund deploys funds to continue to support that vital community work, guided by the Criminal Justice Strategy and without undermining any of the other vital work that the Seized Assets Fund currently supports.

Sir, this initiative will ensure that we deploy more funding to more organisations more effectively. Sir, this initiative will help transform the voluntary and not for profit sector in Guernsey bringing greater capacity, sustainability and partnership. I applaud all those who have driven this initiative and not least the lady who will no doubt lay an amendment quite soon.

140 Thank you, sir.

**The Bailiff:** The amendment referred to is proposed by Deputy McSwiggan seconded by Deputy Green.

Deputy McSwiggan.



Amendment

To insert the following Proposition after Proposition 1:

*"1A. To direct the Policy & Resources Committee to set the funding criteria for the Social Investment Fund in a way that respects, and seeks to preserve, the autonomy, creativity and political independence of charities which are eligible for funding, recognising that: • a strong voluntary sector – capable of addressing the needs of our community in ways that are not prioritised by the public sector, and able to challenge government policy and practice without fear or favour – is an essential pillar of any flourishing democracy; and therefore, • the role of charities in addressing unmet social needs, and in challenging harmful government policies and practices, should be valued equally with their ability to assist the States in achieving its own policy priorities."*

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**Deputy McSwiggan:** Thank you, sir.

The amendment itself is fairly self-explanatory so I will not spend long explaining the case for it and I am grateful to Deputy Trott for confirming that it has his Committee's support.

As he said we have already seen a tremendous community response as part of our whole response to the coronavirus pandemic, and it absolutely shows the importance of delivering proposals to support the voluntary and community sector even better than we are doing today.

I appreciate that this is probably not likely to progress at perhaps the speed it was originally envisaged, but when we do do it, it is important that we do it right and with that in mind the amendment that Deputy Green and I are bringing is to make it clear that the fundamental purpose of Government channelling any funding into the voluntary sector, and particularly channelling this funding into the voluntary sector, has to be because it is to the benefit of us all as a community, as citizens, to have a strong flourishing voluntary sector. So the voluntary sector is not just valuable to us because it extends the arm of Government it enables us to deliver our priorities in ways that we alone would not be able to do so.

It is also important to us because it keeps us honest, it holds us to account, it challenges us where we need challenging, and it is important to us because it supports the community in ways we cannot do or would not think to do, so that independence that creativity the ways that the voluntary sector acts differently to us, independently from us, and sometimes pushes us in directions that we would not choose to go by ourselves, is absolutely vital to its flourishing and to our flourishing as a community.

The proposals in the Social Investment Fund policy letter change the way that funding that was previously quite independently distributed. So distributed by the Association of Guernsey Charities and distributed by the Deanery Fund amongst others is now going to be channelled. If it is channelled through the Social Investment Fund then as Deputy Trott has made clear Government has a much greater role to play in the decision making, in those decisions that are made. We are not in the majority in terms of the number of directors who are making decisions about the Social Investment Fund but two of the five directors will be senior States' officials. We will be the sole shareholder and as Deputy Trott has said we will be setting the governance framework and the purpose of this amendment is simply to make it clear that we also need to be capable of and willing to stand back from that. We cannot bind the voluntary sector to our own priorities and if we are going to have a stronger hand in decisions about where this funding goes, we still have to recognise and foreground the independence of the voluntary sector.

Sir, I hope that Members will support this amendment.

**The Bailiff:** Deputy Green, do you second the amendment?

**Deputy Green:** I do indeed, sir, yes.

**The Bailiff:** Deputy Trott, do you wish to speak on it at this point?

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**Deputy Trott:** Not at this time, thank you, sir.

**The Bailiff:** Deputy Ferbrache.

190 **Deputy Ferbrache:** Sir, I was a bit surprised to hear Deputy Trott say that P&R are supportive  
of the amendment because it seems to me, and if the overall view is, and I suspect it will be, that  
the amendment should pass, I am not really speaking against it but I feel a bit like the boy in the  
Hans Christian Anderson story – do you remember the Emperor who was going to have his  
clothes made by these tailors the invisible suit and then it was a little child that said hang on he is  
195 not actually wearing any clothes he is naked? – and I wonder if this amendment is actually  
counterproductive because as Deputy Trott said in his opening the quality of the people who have  
been involved in the process to date is high, people of absolute integrity who will go forward.  
What it says, it says:

‘To insert the following Proposition after Proposition 1:

“1A. To direct the Policy & Resources Committee to set the funding criteria...”

200 Well, why do you want them to set the funding criteria? It should be as independent as  
possible –

**Deputy McSwiggan:** Point of correction, sir.

205 **The Bailiff:** Yes, Deputy McSwiggan.

**Deputy McSwiggan:** The direction to set the funding criteria comes from within the policy  
letter, the amendment simply says that when P&R are setting the funding criteria, as they have  
already asked us to direct them to do, they must take additional things into consideration.

210 **Deputy Ferbrache:** I was actually reading the amendment. But let me read the explanatory  
notes. I was going to read the amendment but I think we have all got it before us. What the  
explanatory note says is this, hopefully there is no point of correction on this:

‘This amendment is borne out of learning from the Scrutiny Management Committee’s Review Panel on Freedom of  
Information, of which the proposer and seconder are members. Although the Panel has not yet completed its report,  
work to date has shown the importance of a confident, independent civil society (including charities, non-profits and  
other citizens’ groups) as one of the pillars of any flourishing democracy.  
Guernsey’s civil society is well-developed in some areas and under-developed in others.’

It goes on about autonomy, creativity and political independence.

215 Sir, I still think and I can read it as well as anybody else that it is actually going to be  
counterproductive.

That said, I am not going to vote against it if everybody else is in favour of it but I just actually  
think it is an amendment that is unnecessary. Makes us all feel better but does not actually do  
anything.

220 **The Bailiff:** Yes, Deputy Laurie Queripel.

Can I just remind Members to make sure that they do turn their microphones on. If you do not  
I think Christine will be coming round and turning them on for you.

**Deputy Laurie Queripel:** Thank you, sir.

225 Sir, I think I am likely to stray into general debate as well as speaking on the amendment so I  
accept if you feel I have done that but I just want to explain why I am sort of struggling with this  
amendment and struggling with the concept of what is being put forward in regard to the Social  
Investment Fund.

Now I appreciate that the third sector does some great and valuable work and I appreciate the potential advantages and benefits of what is being put forward here, but maybe I am seeing things that do not exist, but my concern is what comes next.

There are certain things it seems to me that will be as it were outsourced to the third sector in regard to this concept this Fund. But how far is that going to go? Are we going to get to the point where quite basic and essential services are outsourced to the third sector?

My concern there is if that is the case what will be in place in regard to oversight and accountability. Because I am concerned that if essential and basic services are outsourced I am concerned that if Islanders find via that process their genuine needs are not being met by those services provided by the third sector what recourse do they have, where do they go to – at the moment if it is a service directly supplied by the States they can contact their Deputy, myself for example I can make representations on their behalf, or they can indeed go straight to the people who are working for the States who are providing the service to make their concerns and their grievances known. But how will that work if we get to the point where we have more and more services being outsourced to the third sector? How do we get to the point where there is still effective oversight and accountability to make sure that Islanders needs are being met and that they can make it very clear if those needs are not being met?

I appreciate the potential that has been put forward I appreciate the work that the third sector does, but I just have some concerns about how far we go with this and if things go awry or if as I say Islanders needs are not being met what can they do to effectively make their concerns known and have those concerns addressed.

Thank you, sir.

**The Bailiff:** Yes Deputy Tindall.

**Deputy Tindall:** Thank you, sir.

Making sure I have switched on – I apparently did not switch on yesterday, so thank you for the reminder.

I am actually surprised by the comments of Deputy Ferbrache although I do agree with him I am surprised that P&R are supporting this amendment, and very pleased they are supporting this amendment.

When the Social Investment Fund was first spoken of and discussed I had some contact with various people in the charity and third sector. I had very constructive conversations with Deputy Stephens for which I am grateful, but this does come as a slight surprise that the fairly limited criteria originally proposed has now been extended.

That said, I am very pleased and fully support this amendment because I do think it will support the most important charity sector, all the third sector whether charity or not and as a result that I think in these times especially it should be approved.

Thank you, sir.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Thank you, sir.

Well, like Deputy Tindall, I am surprised but in a way delighted because I want to support the amendment. May be we need to be less picky and actually go with the flow a bit because the Social Investment Fund has been slightly delayed in appearing and I know I regularly attend the Association of Guernsey Charities presentations and events, often virtually the only States' Member there and it is fair to say that they have not always been, to use a colloquialism, happy bunnies in the last few years, because they have wanted after the initial, if you like, kind of partnership of purpose that Deputy Le Tocq and Deputy Stephens and others developed with the third sector, there has not been quite as much action as they wanted and that action includes, despite what Deputy Laurie Queripel says, may be outsourcing certain States' services or gaps in

services. But charities need help with governance perhaps; they certainly need certainty of outcome; they need clarity on employment laws; they need long term contracts; they need funding streams down the road; they would argue they need gift aid and tax perks, and they have not got a lot of that. Instead they have had more regulation to cope with for good reasons, Guernsey's international financial reputation is vital, but they needed something back and we have heard again for many moons of the need to spend collected funds from seized assets and so on at least this goes forward.

But there were a couple of ambiguities in the way the original policy letter was put across and that concerns elements of criteria, because it was just initially fairly narrow on States' criteria, but of course a lot of charities including some groups I have been involved with are not just providing services, they are campaigners whether they be Disability Alliance or MIND perhaps or Living Streets, they campaign for a degree of societal and political change, or at least nudges. That makes a judgement made by Policy & Resources on the original criteria somewhat harsh because if you look at the amendment it says:

... a strong voluntary sector – capable of addressing the needs of our community in ways that are not prioritised by the public sector, and able to challenge government policy and practice without fear or favour ...

Now I have been on committees where we have not actually been able to fund certain voluntary groups or activities because they are perceived as political or campaigning, fair enough, but this is a mechanism to achieve that objective, and it is:

... an essential pillar of any flourishing democracy; and... the role of charities in addressing unmet social needs, and in challenging harmful government policies and practices ...

Well, that is possibly a bit strong but I think already some Deputies are realising that when we get out of this difficult virus phase we will need to have a tougher approach to how we fund things and how we meet society's possibly even greater needs. So I support all of that.

One other point I would note is that there is a nod to tradition in the Trustees of the Community Social Investment Fund in that two of the three represent from the days of the States of Election and of course the pre-War States of Deliberation a highly regarded Jurat and a highly regarded Rector. Then you have another two who in fact are senior civil servants. I think that is not perhaps as diverse as it could be, and this amendment perhaps strengthens that balance. Because another grey area over the years with the States in supporting voluntary associations is whether those associations have a religious dimension or not and I know at different times different committees have been reluctant to fund a social purpose which might be considered good in itself but has some kind of evangelical or faith based or philosophy based approach.

So given all of those constraints on the sector I think this amendment gives much greater flexibility to the Fund being the success we know it should and could be.

**The Bailiff:** Deputy Green.

**Deputy Green:** Sir, thank you.

Very briefly I agree with what Deputy Gollop said. This amendment does clearly strengthen the relevant funding criteria. I think the point that really underpins all of this is the fact that it is not just about having the Social Investment Fund there to support the priorities of Government it is wider than that and that is what the amendment is seeking to do.

It has been borne out from the review that Scrutiny Panel has been doing on the access to public information regime. We have been calling for evidence from the Island on that subject with a view to considering whether we need to look at a freedom of information law or whether we can beef up the existing access to information regime that we have at the moment or whether the *status quo* is acceptable.

330 But in the call for evidence the amount of evidence we have received has been somewhat limited and in particular my colleagues and I on that Panel feel that perhaps we have not received a lot from so called civil society in this area and as the explanatory note makes clear in some respects in Guernsey we have a very developed civil society but in other respects we do not. On subject matter like freedom of information we apparently do not.

335 I think this is quite an important amendment it clearly enhances the policy letter which I think is a very good policy letter. The fact of the matter is, sir, that Policy & Resources are not opposing it, it does strengthen and enhance what we have got.

340 It is not just about the voluntary sector supporting Government priorities, it is wider than that; it is about that important challenge that the voluntary sector can play, that is the point about the essential pillar of any flourishing democracy, and that is why we were kind of alerted to this in the first place, because there was not that great sense of pushing for a freedom of information law in the Island from civil society sources that we probably would have assumed may have been the case.

So in those circumstances, sir, I would try to encourage everybody to support this amendment.

345 **The Bailiff:** I see no-one else.

Deputy Trott, do you wish to speak on the amendment now?

**Deputy Trott:** Yes very briefly, sir, and exclusively to address the issues raised by Deputy Ferbrache.

350 I will quote from my opening remarks two paragraphs, which I think are relevant. I said that:

The PRC will put in place a governance document which will set out the relationship between the States and the Fund, specify the funds for the Fund to hold, set any limits for awards to be made, and set out a policy for reserves to be held by the Fund with any excess funds to be returned to the States [and] this will be published.

But maybe more importantly:

[This] governance document will ... provide for the PRC to set the criteria for the prioritisation of funding awards to be made by the Social Investment Fund, these priorities could be revised by the Committee in line with any revisions to States' policies operational and/or funding priorities.

What the amendment does, sir, is it identifies:

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... the role of charities in addressing unmet social needs, and in challenging harmful government policies and practices ...

360 So it is very much an issue of process where challenge is welcomed but whenever public monies are used there does have to be a robust governance process in place and I would not envisage a situation where there were diametrically opposed directions of travel between States' policy and that of this Fund, but it is possible none the less and this mechanism that will be put in place will ensure that all interests are aligned as part of a proper and robust challenge process.

Thank you, sir.

365 **The Bailiff:** Deputy McSwiggan will reply to the debate.

**Deputy McSwiggan:** Thank you, sir.

370 I am grateful for Deputy Trott confirming that it is the policy letter that contains the direction for the Policy & Resources Committee to set the funding criteria. I gently reminded my colleague to the left in probably only a geographical and possibly not a political sense of another little fable about a little boy, this one cried wolf several times and having enjoyed the reaction when he pointed out risks that were not really there the poor little fellow found that when he wanted to point out a risk that really did exist nobody believed him anymore.

I think in this case the risk is not the one that Deputy Ferbrache feared. I am sure that when he does point out a risk that really does exist we will still give him the full credit that his wisdom and insight deserve, but on this occasion I think that probably he read too much into the amendment and Deputy Trott has now placed that in the context of the policy letter.

I would just say that in response to the point raised by Deputy Laurie Queripel that that is a fairly fundamental question about the value, the existence and the role of the Social Investment Fund itself and whether or not it is right that Government should set up a Social Investment Fund and should invest in charities in the way that is envisaged, but it is not particularly a question that I hope will affect his vote on this amendment.

If we are to end up with a Social Investment Fund that I believe and I hope Members will agree that this amendment makes it stronger and more robust in its functioning because it enables us to support a wider range of charities doing things that go beyond Government's mission as well as things that are strictly aligned to our own priorities. In fact it probably lessens the risk that Deputy Laurie Queripel fears that the voluntary sector will simply and solely be relied up to provide essential services that would otherwise be provided by the public sector.

So this is about making sure that if we do this, we do it right, but I completely understand and agree that he may have to weigh up certain considerations when it comes to the final question of shall we do this.

But with that said, sir, I ask Members to support the amendment.

**The Bailiff:** Thank you.

Just before we go to the vote, I need to announce that I have given permission to Deputy Fallaize to appoint a proxy and Deputy Tooley will be exercising his vote.

Deputy Inder.

**Deputy Inder:** Sir, just a point of clarification on how the proxy voting – I will give an example here, I have got a note from Deputy Paint and it reads IX P&R Establishment of the Social Investment Fund and he says *Pour*. What he has not got is any notification as to the amendment. So what I am not clear on here is, as this is now an amended Proposition, am I still allowed to lay the proxy vote for something – ?

**The Bailiff:** Yes, because a proxy vote can be laid for an original Proposition and a secondary Proposition –

**Deputy Inder:** I do not have a direction on whether he has agreed the amendment.

**The Bailiff:** If you wish to request an adjournment to enable you to just contact him, but if he has not followed the debate and he has not read the amendment – this is an amendment that was circulated I believe some time ago – if he has not seen the amendment and has not given you an instruction and he has not been listening to the debate or he no doubt would have sent you a message during the debate, I think you just have to accept you have no authority from him to exercise the –

**Deputy Inder:** That was my question, thank you, sir.

**The Bailiff:** If there were to be urgent amendments laid on the floor of the Assembly and people do need to then speak to their principals, then yes, I would grant an adjournment to enable them to do so. But I think it is for those who are not present if they are fit and well enough to be following events then I think they do need to be following that and following the debate so that they can give instructions to those they have mandated.

**Deputy Indor:** I have sent a text and received no answer so I think I know where I am. Thank you.

**The Bailiff:** We will see whether he is able to respond.  
Deputy Prow?

**Deputy Prow:** Thank you, sir.

Just very briefly, having had experience of proxy voting where I have not had a clear instruction I have said so when it comes to debate and I think what I have done is asked the Deputy who I am doing a proxy for that if they do not make it clear I will offer no –

**The Bailiff:** I think that is right. I think if the proxy does not have instructions then I think what they need to say is *Je ne vote pas*, because you have no authority, you cannot guess or second guess what their decision might be, if you do not have a clear instruction you cannot exercise a vote on their behalf and the answer would be *Je ne vote pas*, or *Elle ne vote pas*, or *Il ne vote pas*, I suppose to put it in the third person. I hope that is clear.

So we go to the vote then on the amendment proposed by Deputy McSwiggan seconded by Deputy Green. Can I suggest in the first instance we go *aux voix*. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** It is carried.  
Any general Debate? Deputy Ferbrache and then Deputy Lowe.

**Deputy Ferbrache:** Sir, it is really... I am going to vote in favour of the Propositions of course but I just would like if he is so willing Deputy Trott to perhaps answer some questions. Proposition 4 says:

To agree that a ring-fenced annual grant of a maximum of £700,000 [a year] for the... years 2021 – 2023 be provided from the Channel Islands Lottery... Fund Appropriation Account to the Committee for Education... specifically for funding Beau Sejour Leisure Centre.

First question is what is proposed after 2023 because we have got the costs which are set out the amount of money that has been paid from the Fund over the years to Beau Sejour for the Leisure Centre? So what is going to happen in relation to that?

Of course we see at paragraph 1.5 as it is called unlocking the funding for investment by the Social Investment Fund and there is surplus from Channel Islands Lottery; Dormant accounts; Seized Asset Funds; HM Receiver General funds; and transfer of the jurisdiction of probate function. So let's just deal with those, this is not so much a question for Deputy Trott but a comment. I do find it perhaps a little rich that there has probably been a majority of the Members of this Assembly that are avidly against gambling but are yet happy for the proceeds of gambling to be applied for a charitable purpose. But there we are people do not have to be consistent. But in relation to that I would also point out because it falls within ... lottery generally falls within the province of the States' Trading Supervisory Board that their income from the Channel Islands Lottery every year is under strain and is likely to decrease.

But in relation to questions, all for Deputy Trott the paragraph 7.4 onwards we have got the Guernsey surplus of Channel Islands Lottery. Paragraph 7.7 deals with the monies that have been paid in respect of Beau Sejour. Paragraph 7.10 says since the time when this arrangement was put in place it has been used to pay for various things, the balance at the end of 2018 was £1.9 million with the remaining commitment of I think it is double printed I think it should be £400,000 to the Island Games and there are couple of other uses to come from those moneys or deductions to come from those moneys £30,000 to fund a strategic review of the incidence and impact of gambling well there you go – and £90,000 to contribute toward the 2020 Liberation Day

celebrations. Well, sadly, as a result of what is happening there might be some of that money left over. But in connection with that how much does Deputy Trott envisage, as best he can and if he cannot I fully accept that, that will be made available, bearing in mind those caveats and qualification, from the Lottery Appropriation Account to the Fund?

Then we have got dormant accounts we are going to get 7.14 I appreciate that is still as I understand a work in progress. We will be told how far that is going to be progressed and again it is dealt with in paragraph 7.14-7.18. But is there any idea any idea of how much that could result in transferring.

Then we have got the Seized Assets Fund, which again the explanation for that begins at paragraph 7.19 onwards, and at paragraph 7.22 it says:

The Seized Assets Fund had an unaudited balance of £15 million at the end of 2019.

So how much – is all of that to be transferred?

Then at paragraph 7.26 H.M. Receiver General paragraph 7.28 says:

The funds are currently being audited but funds (taking into account the current potential liabilities noted above) are currently in the region of £8 million (with a net balance of just under £4 million plus contingent liabilities).

So are we talking about just under £4 million to be transferred from that or in relation to or to be available from that and what allowance is being made for contingent liabilities?

We have then got something called the Participatory Budgeting Fund and at 7.30 it says:

Following consideration of the 2019 Budget Report, the States resolved to establish a Participatory Budgeting Fund, with an allocation of £1m ... as a 'dividend' ... arising from the exceptional financial results recorded in 2017 ...

Well sadly, I suppose that is not likely to happen too much in the future, the foreseeable future, but is there any thought given to that.

Finally there is the surplus referred to at 7.33 The Ecclesiastical Court £540,000 which Policy & Resources at 7.35 says, if I understood it correctly, that the policy letter in relation to The Ecclesiastical Court thinks that the grant should be in the region of £300,000-£500,000 per annum set at £400,000 for the first years from 2021 with proposals for the future to be included in the appropriate Budget Report.

If they are less than £400,000 let's say £250,000 for argument's sake what provision if any is made or is that just, we are going to fix it at £400,000 so it is going to be fixed at £400,000 so those monies will have to be topped up from somewhere else.

So those are just questions really of the financial circumstances not opposition, I would like to know the answers and I am sure people out there would.

**The Bailiff:** Deputy Lowe.

**Deputy Lowe:** Thank you, sir.

Sir, the Committee *for* Home Affairs is not opposed to the establishment of the Social Investment Fund but there are, however, some reservations over the proposed approach with regard to the Seized Assets Fund, the Participatory Budgeting Fund and to the level of control that will be vested in the Treasury by the proposed governance structure.

Reference is made to P&R laying another policy letter on the Seized Assets Fund before the States early in the second quarter of 2020, i.e. April or early May. As the draft was only shared with the Committee *for* Home Affairs a week ago and clearly needs more work this deadline will not be met. This is disappointing given that it was I and Deputy Prow that laid the amendment seeking such a report to be prepared some 17 months ago. What our amendment sought to do was to ensure appropriate political accountability for the management of the Seized Assets Fund, it was not intended to create a means whereby funds which should be prioritised for tackling crime or the impacts of crime was to be diverted to general good causes.



My next point relates to the Participatory Budgeting Fund, which is something that remains a mystery to many. I acknowledge that Home Affairs will be among the committees to be consulted in developing the criteria in respect to the distribution of funds. This usefully brings me to the final point.

That is that one aspect of the proposed governance makes me very uncomfortable and from reading a recent article in *The Guernsey Press* I am not alone. The concern is the undue concentration of control and power that this will be vested in the Policy & Resources Committee and in particular in the role of the States' Treasurer to determine what is given to charities. This creates the risk that if the mood of the moment or the Future Guernsey Plan prioritises something in particular then local charities not focused in this area will lose out. There will be a disregard for the breadth and depth of the valuable service that they provide.

This is further emphasised by the increasingly high threshold being applied before charitable bodies which will be able to apply to grants with the likelihood that the funding would therefore be channelled in the direction of the larger slicker organisations.

In summary I would therefore ask the States to note that within this policy letter there is not the suggested level of certainty over what might be drawn from the Seized Assets Fund.

I would also ask the Vice-President of P&R to respond to my concerns and those of others over the excessive control perceived or otherwise that these proposals place in the hands of P&R and the Treasurer. In so doing I would ask him to offer a better alternative which might allay these concerns.

Thank you, sir.

**The Bailiff:** Deputy Prow.

**Deputy Prow:** Thank you Mr Bailiff.

It was Deputy Queripel when speaking to the amendment that first I think drew the Assembly's attention to the question of governance and oversight and that of course is not addressed in the policy letter in detail. That is not a criticism of the policy letter because it does talk about that is something that will follow. But I think Deputy Queripel raises a very good point.

Now in Health & Social Care, particularly this term, a great deal of emphasis has been put on a partnership with the third sector which is absolutely fundamental to the Partnership of Purpose but also in properly commissioning services where those third sector organisations are delivering on behalf of the public and I think in the governance arrangements that come back that is an element that needs to be considered.

Obviously you want the third sector to be able to operate independently and that is very important, and I think Deputy McSwiggan spoke about charities delivering services that governments do not deliver, but I think Deputy Queripel was really referring to where the third sector does deliver effectively on behalf of government. I think proper commissioning is the answer and I think that perhaps that is something that should be taken into account.

In a question of transparency, I would just like to perhaps speak very briefly around the Seized Assets Fund which has been mentioned in debate and there is a considerable amount of money £15 million. Deputy Lowe has spoken to the States' Resolution that this should be put on a statutory footing that is a Resolution and to be fair at 7.24 the policy letter does tell us that this is coming back to the States.

But I just would like the Assembly to consider this, the effective combatting of financial crime and money laundering is very expensive. This has been discussed in this Assembly and I think the sum of £1 million additional funding to Law Enforcement and some £400,000 if I remember correctly to the Law Officers. All have been discussed as needed to bolster this area this very important area of activity.

It seems to me that the vast majority of that criminal process should be reinvested into our ability and capability to seize even more. That has an effect of allowing this jurisdiction to show internationally to the IMF and organisations like FATF that we are determined to play our part in

this and we should be investing in that and actually the consequences of that we should be seizing even more money and if that money also gets it way into the third sector as well then so be it. But I think it is very important that this is all very transparent.

For example if you look at the bottom line accounts of Home Affairs and you look at say staffing arrangements it is not clear where funding has been received from the Seized Assets and again I have brought up that to the attention of this Assembly around the transparency of what is in the Seized Assets Fund and actually what resource is put into Home Affairs to deliver what we need to deliver.

So I think on two fronts the question of transparency i.e. what follows on from this policy letter is extremely important and perhaps when Deputy Trott sums up he could perhaps give us his views.

Thank you, sir.

**The Bailiff:** Deputy Le Clerc.

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

Sir, I just want to pick up on section 7 funding for the Social Investment Fund because it says in 7.1 that £205,000 of the Transformation and Transition Fund has been allocated and that is an officer for an initial period of two years. Firstly I would just like to ask has that £205,000 been spent because if you look at 7.2 it says for work during 2018 and 2019. That seems quite a high sum of money to establish this Fund and how – and I know it says in the narrative here that it is intended that future expenses will be met from its income, but we have got to remember – what I am concerned about is how much the bureaucratic and administration costs might increase over the years. I know that reports will be coming back regularly to the States but once you are paying people it does tend to grow and grow and grow.

So I would like to know what the £205,000 has already been spent on, because I expect a lot of people have already given their time free of charge and the Guernsey Charities Association already distributes funds gives their time free of charge, so I do not want to create some huge bureaucratic system of administration.

On that I just want some reassurance that some of the smaller organisations will still be able to apply for funds through this process because the funds are a lifeline to some of those smaller charities. They do not necessarily have the people that can go through again a bureaucratic application process and I do not want them to be put off from having access to what was very often small amounts that they require to keep going and I do not want our focus to be purely on the larger charities. So perhaps if I could have some reassurance from Deputy Trott on those two questions.

Thank you.

**The Bailiff:** Deputy Tindall.

**Deputy Tindall:** Thank you, sir.

I wish to support in particular Deputy Prow's comments made about transparency both from the Health & Social Care perspective but also the points he raised about anti-money laundering and the Seized Assets Fund.

The general idea of this as amended I can wholly support, but I would like to just again refer to a comment made by Deputy Ferbrache about consistency. I would like to say that I support help for all those who undertake activities which become addictive, drinking, smoking, gambling to name but a few, and as a previous member of the Gamblers' Support Group I want to stress that we should do everything to support those who suffer problem gambling and not have the States interfere with those who do so responsibly. For that reason I support this because of that support that is going to those who unfortunately do suffer from problem gambling.

Thank you, sir.

**The Bailiff:** Deputy Graham.

620 **Deputy Graham:** Thank you, Mr Bailiff.

I only speak briefly to support what I heard Deputy Prow saying about the Seized Assets Fund and its relationship to the Bailiwick's capacity to demonstrably counter money-laundering and the financing of terrorism.

625 I believe Deputy Lowe may have been speaking on the same subject but I am afraid to me she was inaudible. I did hear the words Seized Assets Fund to I presume that is what she was advocating.

Now, Deputy Trott does not need any reminding from me about the importance to our reputation as a financial centre of being seen to have everything in place to combat money laundering and the financing of terrorism. Basically any dodgy stuff that is going on out there and  
630 it is an expensive business.

The pressure of work recently means that I did not for once accept the invitation from the Director General the Guernsey Financial Services Commission to be briefed on their latest annual report last year, but in previous years I have been there and I think the last time was in 2018 where I think only Deputy Prow and Deputy Oliver and I were the Deputies who were able to  
635 accept the invitation.

One of the messages coming very clear from the Director General was that when it comes to establishing our reputation and particularly *vis a vis* the impending Moneyval inspection which I presume is still some sort of two years down the track something like that. It is not sufficient to merely demonstrate that you have in place the appropriate legislation and procedures and so. It is  
640 almost a crude business of scores on the doors and this was a lesson that came I think three years ago from the Moneyval inspection of the Isle of Man where I think fingers were very severely bitten, not wholly but partly on the basis that although they did have a lot of the structure in place there was very little to show for it in terms of interventions and successful interventions.

So just to repeat myself, I know Deputy Trott does not need me to remind him of that but  
645 there are some of us who are still on over watch when it comes to what happens to the Seized Assets Fund and its relationship – which I would argue is very close – to the Bailiwick's ability to demonstrate that it is doing all it can to counter money-laundering and the financing of terrorism.

Thank you, sir.

650 **The Bailiff:** No-one else?

Deputy Trott if you would like to reply.

**Deputy Trott:** Yes, sir, thank you.

655 Sir, a lot of the questions I have been asked this morning are around funding, the majority of the questions I will be unable to answer as I think Deputy Ferbrache expected and there is a reason for it. It is because I am not sure anybody knows right now. I will go into a little bit more detail in a moment.

In paragraph 1.8 on page 4 of the States' report we are reminded that:

The Social Investment Fund will come into formal operation in 2020 and this policy letter details its operating structure and prospective funding sources.

660 So, sir, for example the issues around how much may come from dormant accounts is unknown because right now I for one do not know how significant the dormant account balance is. I would imagine it will be fairly material and the States' report mentions that. The same is true with regards I think it is paragraph – bear with me- the same is true with the Channel Islands' Lottery Appropriation Account because we know that commitments have been made with regards Beau Sejour, what we do not know, or at least what I do not know is what the balance that will be  
665 transferred to the Social Investment Fund will be because I am unsure as to exactly how much is in that account right now, or indeed how much will be there in the future.

Of course the same is also true with regards dormant accounts, because there has to be a balance kept over, a contingency if you like, because there may well account holders who will seek to reclaim their funds at a later date so there does need to be a contingency in place.

670 Similarly with the Seized Assets Fund because as others have mentioned it currently has a balance of £15 million at the end of 2019 and the States' report states that whilst a majority of the funds should be used to fight financial crimes, I agree with Members of the Home Affairs Committee that that should remain its primary focus which is why the States' report says the majority. It does say that:

... a portion of the Fund and future net receipts to it should be applied for good causes and the [PRC] considers that the Social Investment Fund would be the most appropriate vehicle for managing the distribution of such funds.

675 So the decisions are –  
I give way to Deputy Lowe, sir.

**Deputy Lowe:** Thank you Deputy Trott for giving way.

680 You are absolutely right it is very clear for the criteria for the Seized Assets Fund and from the words you just spoke there that the majority will remain that way. Not necessarily so, it depends how much is in that Fund and I would not like the States to be misled thinking that supposing it was down to £4 million and Law Enforcement needed £5 million they would not be any going to this Fund that you are looking to put it into.

685 **Deputy Trott:** I am sure a future States, when met with that particular objective, sir, or issue, would deal with it appropriately. But there is certainly no intention whatsoever to exhaust the Seized Assets Fund for the purpose of the Social Investment Fund. Only a proportion as I said will be seeded.

690 I suppose the overall purpose of these questions is to highlight that we do not know at this stage precisely how much money we are going to be able to put into this Fund but I think it is everyone's intentions that it will be the maximum amount that we can justify bearing in mind all the concerns that have been expressed.

695 I do not think – forgive me – I do not think there were any other questions that at least I do not think there were any other questions that I will be able to answer at this stage, but if there were any – I look around – I ask Members to support the States' report.

700 **The Bailiff:** Well, we go to the vote then on the Propositions which have been amended, I remind you, by the successful amendment proposed by Deputy McSwiggan, seconded by Deputy Green. I should perhaps say for the benefit of those listening, Deputy Fallaize has returned to the Chamber. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare them carried.

705 Of course, it is the point we go *aux voix* those who are not present their votes are not counted but where the vote is unanimous like that it would not make a difference even if we went *aux voix* so I suggest to save time unless Members really wish to do so that we go *aux voix* whenever we can.

**COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

**X. Scheme for the Funding of Medical Treatment for  
Guernsey and Alderney Residents Travelling in the UK –  
Propositions carried as amended**

Article X.

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter entitled 'Scheme for the funding of medical treatment for Guernsey and Alderney residents travelling in the UK', dated 10th February 2020, they are of the opinion:*

*1. To agree that a scheme for the funding of medical treatment for Guernsey and Alderney residents travelling in the UK should be implemented as soon as possible during 2020, as outlined in section 4 of that policy letter, and to agree that:*

*a. the scheme will only be available to those individuals who can demonstrate, in the manner and with the evidence required by the Committee for Employment & Social Security, their inability to obtain medical insurance for travel to the UK, either at all, or at a reasonable cost;*

*b. individuals who are approved, under the terms of the scheme set out by the Committee for Employment & Social Security, will be issued with documentation that can be provided to a UK hospital, should they require proof of ability to pay for NHS secondary care;*

*c. individuals will be required to pay the first £250 towards their medical costs, should they require NHS secondary care, that is compliant with the terms of the scheme, as set out by the Committee for Employment & Social Security;*

*d. States expenditure shall be limited to a maximum of £250,000 per incident for an individual's medical treatment under the scheme;*

*e. the scheme will include the cost of repatriating a person, who was approved as being covered by the scheme, by medevac transport, should a medical professional confirm this as a necessary means of transport, and if it would be more cost effective for the States to continue, or complete, the patient's treatment in Guernsey, than it would for them to remain in the UK.*

*2. To direct the Committee for Employment & Social Security and the Committee for Health & Social Care to agree the practical arrangements for the implementation of the scheme set out in section 4 of that policy letter.*

*3. To note that it remains the responsibility of the Policy & Resources Committee to pursue the negotiation of a Reciprocal Health Agreement between Guernsey and the United Kingdom.*

**The States' Greffier:** Article X – Committee for Employment & Social Security – Scheme for the Funding of Medical Treatment for Guernsey and Alderney Residents Travelling in the UK.

710

**The Bailiff:** Deputy Le Clerc.

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

715

Sir, I was going to mention the sursis in my opening speech; should I not mention the sursis in my opening speech?

**The Bailiff:** You can do. I was asked a question as to whether the sursis should be taken before the amendment. I would have thought the sursis would be taken first.

720

**Deputy Le Clerc:** That is what I was assuming, sir, and I have dealt with the sursis in my opening speech and maybe it will save time in me doing that.

**The Bailiff:** If that is going to save time, then I think in these circumstances I am sure Members would welcome that.

725 **Deputy Le Clerc:** I think that is probably the best way of doing it.

**The Bailiff:** I do not know who is going to lay the sursis in the absence of –

730 **Deputy Le Clerc:** I believe it is Deputy Tooley, sir.

**The Bailiff:** Deputy Tooley will propose it, is that right? (**Deputy Le Clerc:** Yes.) Then Deputy Tindall will second it.

**Deputy Le Clerc:** I will make my opening speech now, sir. (**The Bailiff:** Yes.)  
735 Thank you, sir.

**The Bailiff:** Thank you Deputy Le Clerc.

740 **Deputy Le Clerc:** Sir, I want to start my saying that this should not be a debate about whether there should be a Reciprocal Health Agreement between Guernsey and the UK. That work is being undertaken by staff at P&R with the help of HSC and any update on that work will need to come from those respective committees.

This work stems from a successful amendment from Deputy Fallaize in 2015 which directed the Committee for Employment & Social Security to investigate the options for a scheme that would  
745 provide those unable to obtain medical insurance at a reasonable cost with the safety net of not being faced with a large medical bill should they require treatment while travelling in the UK.

Sir, ESS accept that since this policy paper was issued the landscape has changed with the Covid-19 pandemic and the ongoing public health issues arising from it. The Committee are in complete agreement with Health & Social Care and P&R that this scheme should not be  
750 introduced until at least six months after warnings and restrictions on off Island travel as a result of Covid-19 have lapsed.

We want to make it very clear we are not endorsing or encouraging Islanders to travel to the UK at the current time. However, the Committee disagree with ... well, it was Deputy Soulsby and Deputy St Pier's sursis, that this debate should be delayed. We believe that the debate should  
755 continue so we have a clear direction from the Assembly that they still want to pursue an interim scheme.

A sursis just adds delay and leaves the decision in the air. There is no guarantee that any future Reciprocal Health Agreement would be acceptable to the States, we have no idea of a timeline for such a scheme, how much it would cost or any of the detail. We need to know if the States has  
760 any sort of appetite for this scheme, the insurance scheme, before we take up any additional time and staff resources. Voting for the sursis does not enable us to do this.

For those Islanders that want an interim scheme and please not that we see this as an interim scheme this will provide Guernsey residents with underlying health issues who are unable to afford insurance cover with an opportunity at some point in the future to visit the UK. These  
765 proposals are aimed at leisure travellers to the UK who have found it difficult to find or afford insurance, with particular concern for those who are cut off from family.

Sir, I ask you to not vote in favour of the sursis so that we can go to the debate on the full policy paper with our amendment and then we have a clear direction from this Assembly that they wish us to pursue some sort of insurance scheme.

770 Thank you, sir.

**The Bailiff:** Deputy Tooley, you wish to lay the sursis?

**Deputy Tooley:** Yes, thank you sir.  
775 I wonder if it could be read please.

*The States' Greffier read the sursis motivé:*

*Sursis Motivé*

*To sursis the Propositions and to direct the Committee for Employment & Social Security and the Committee for Health & Social Care to return to the States with revised proposals:*

- 1. Once at least six months have elapsed since any warnings or restrictions on off island travel, in relation to the current CoVID-19 pandemic, have been lifted;*
- 2. Having addressed certain issues which have been identified in respect of the practical implementation of these proposals, as set out in the Explanatory Note to this Sursis Motivé; and*
- 3. Only if, during the intervening period, the States has not yet agreed to the introduction of a new Reciprocal Health Agreement with the UK.*

780 **Deputy Tooley:** Thank you, sir, and thank you to the States' Greffier.

We really would have preferred not to have been laying this sursis today. Deputies Soulsby and St Pier did approach ESS to ask that they consider withdrawing it but it is perhaps understandable from the ESS point of view that they did not want to at this stage.

785 Getting to this point has involved a huge amount of work and it has been difficult to get to where we are now, but the idea that we should spend time at this point bringing in such a scheme seems absurd and I would be concerned at the mixed messages that this would convey to vulnerable members of our society.

790 There are a number of reasons why I think now is not a good time to debate this policy letter. First and most obviously there is the Covid-19 pandemic, this is likely to last for months and months. The sursis says that ESS and HSC should return to the States once at least six months have elapsed since any warnings or restrictions on off-Island travel in relation to the current Covid-19 pandemic have been lifted.

795 At a glance this seems similar to the amendment proposed by Deputy Le Clerc and Deputy Langlois but there is a crucial difference as Deputy Le Clerc has highlighted. While they would wait six months after the lifting of restrictions in order to implement the proposed scheme we would ask that the States waits until that point to return with these proposals.

That links to the second part of the sursis which calls for issues identified in respect of the practical implementation of these proposals as set out in the explanatory note to the sursis motivé to be further explored.

800 Now, identified practical implementation might sound largely operational rather than political but it is more substantial than that, particularly in the aftermath of this pandemic, what happens if ... What happens if the NHS is at that point outsourcing work to private hospitals? At the moment a Guernsey or Alderney resident falling ill in the UK is treated as a private patient because the treatment they receive has not been commissioned from within our services, but if  
805 someone is insured under this scheme who then pays and where are they then treated? What happens about follow up appointments? If an individual has fallen ill and had treatment perhaps an operation in the UK they may need help to travel back, they may then need to return to the hospital where they were treated for follow up. Would the scheme cover this travel for appointments and the associated costs? All of this is outside HSC's remit at the moment.

810 What happens regarding services such as physiotherapy? At present this would be a private patient appointment. Will the scheme pick up GP and GTG, private practice costs? If all on-Island costs are intended to be part of HSC's business as usual cost then policies will need to be rewritten and additional budget allocations will need to be made.

815 I am afraid we also disagree with the ESS about future costs such as the risk of being charged heavy surcharges. 50% surcharges are not only not impossible but we believe there is a high risk of this while ESS estimate the risk as low. We do not believe the additional workload this will create can be absorbed within existing resources, or we did not think they could two weeks ago I suspect the likelihood of that six months post pandemic is even lower. It will take a long time to recover from this world-wide illness.

820 Finally, we do not know what the situation will be with regards options on a Reciprocal Health Agreement in the post-Brexit, post-pandemic world. We know that we are looking at a new normal for the next several months and while we hope that following that there will be a return to stability and some reestablishment of the old normal it seems inconceivable that in some ways at least the world will not have been changed and our response to our needs then might not be what it would have been earlier this year or indeed today. Now is not the time to debate this.

825 Thank you.

**The Bailiff:** Deputy Tindall, do you formally second that?

830 **Deputy Tindall:** I do, sir, thank you.

**The Bailiff:** Deputy le Clerc you have already spoken on it so I suspect you do not wish to speak at this point. *[Inaudible]*

You having already spoken on the sursis, I suspect you do not wish to speak again.

835 **Deputy Le Clerc:** No, sir, not at this time.

**The Bailiff:** Deputy Langlois.

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

I sense that if the States for this sursis we are never going to have an insurance of last resort to fill in the gap between where we are at the present time and that ideal situation in the future where a RHA might be established.

845 ESS spent four years really developing this scheme as States' Members will see in the Appendix there are six options we looked at in some detail, but there are fundamental problems if the private sector insurance system will not insure somebody because they are too high a risk and the States then steps in as I said as an insurer of last resort albeit with no charge, the States has to take on some risk. HSC seems to be avoiding that truth. We have done our best, ESS has done its best to estimate roughly the extent of that risk, we might be too high, we might be too low, but if we are going to have any kind of scheme the States has got to be willing to take on a degree of risk over this service.

855 We acknowledge obviously the huge effect of the pandemic in the amendment we will propose if the sursis motiv  fails but there has been a huge demand on the Island for some interim solution to the intractable problem of developing an RHA at speed with the UK and having been involved in the development of these proposals for those four years this is about as good as it gets and this is about as safe as it could get for the States in terms of unknown estimates of costs and yet still gives those Islanders and who most need it some kind of reassurance that if they do travel to the UK they will not be faced with cripplingly high medical bills should they need secondary care whilst they are in the UK.

860 It also crucially includes cover for repatriation which was always one of the problems with the RHA which did not include for repatriation, but we have included in our figures I think £30,000 for instances of repatriation and the figures are all based on ESS's experience over the last decade or so of such instances.

865 So I would ask the States to vote against the sursis, support ESS's proposals as amended to take into account the pandemic, because I feel if we do not we will not every have any kind of cover until such time as the RHA is established, and who knows when that might be.

Thank you.

**The Bailiff:** Deputy Fallaize.

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



I must be honest, I do not really understand the purpose of this sursis, because I think that the points made in each of the three parts of the sursis are perfectly legitimate, but I do not understand why any of them mean that this policy letter should not be debated and the Propositions being laid by the Committee *for* Employment & Social Security should not be voted on which would be the effect of the sursis carrying.

So the first part of the sursis addresses the current circumstances around Covid-19 and the travel restrictions which are in place and has been taken up in an amendment which Deputy Le Clerc and Deputy Langlois wish to lay if the sursis is defeated. So I think that the case for the sursis on the first ground falls.

The second point in the sursis relates to certain issues needing to be addressed in the practical implementation of these proposals. Well it seems to me that the Committee *for* Employment & Social Security no doubt in conjunction with the Committee *for* Health & Social Care can probably be trusted to address all of the necessary matters which need to be addressed in the practical implementation. I do not have such distrust in the Committee *for* Employment & Social Security that I think they would be incapable or unable to implement the scheme that they are putting before the States in a way that is reasonably sensible and takes into account all of the practical considerations necessary.

So I cannot see why it would be unsafe for the States to debate the policy letter and vote on the Propositions because there are some practical matters in the implementation of the scheme which would need to be resolved by the appropriate Committee at a later date.

The third point in the sursis is this vague hope that there will be a reciprocal health agreement on the horizon. Now I think it was 2009 or 2010 when the original reciprocal health agreement was cancelled essentially unilaterally by the UK and ever since then I have been told it is imminent that a new reciprocal health agreement will be put in place. Well that was 10 years ago – I am not giving way – or nearly 10 years ago. Deputy Prow will speak himself on the sursis. I mean I understand the hope that it will be possible to put in place a reciprocal health agreement but it can remain an objective, the work can continue to try to put one in place, in fact I think there is now a States' Resolution that directs that work to be done, but the fact that there might be a reciprocal health agreement some way down the line, and it might be months or it might be years or it might be never, does not to me seem a reasonable or seem a reason why the States should not debate this policy letter on the scheme for funding medical treatment off-Island.

It has always been accepted that it would be ideal to have a reciprocal health agreement but one has not been or a replacement one has not been put in place in the past 10 years and for as long as that remains the situation I think that we as a Government should put in place the kind of alternative scheme that the Committee *for* Employment & Social Security is outlining.

Now in the event that a reciprocal health agreement is negotiated and comes into place then obviously the States through the Committee *for* Employment & Social Security would be able to turn off this scheme, which if Members want to see it as an interim scheme could be seen that way, at the appropriate time. So I cannot see why the fact that there might be a reciprocal health agreement in the future means that this scheme that we should be debating I think today should not be approved.

I cannot really see that having the sort of scheme the Committee is proposing in place would somehow prejudice or negatively affect the discussions between States' committees and HM Government in relation to the development of a reciprocal health agreement in the future.

So I do not have any objection to the points that are made in the sursis but I think the appropriate place to make them is in the debate, the main debate on the Committee *for* Employment & Social Security's policy letter and I think the sursis should be thrown out and we should go on and debate the policy letter from ESS.

Thank you, sir.

**The Bailiff:** Deputy Prow.

**Deputy Prow:** Thank you, sir.

925 In the opening to this debate, Deputy le Clerc made it very clear that this debate is not about the reciprocal health agreement and I agree with her.

I have been a long supporter of having a reciprocal health agreement with the United Kingdom there is a Resolution in place for P&R to negotiate that with the support now of Health & Social Care. This is about the insurance scheme.

930 The only point of clarity I would wish to make is that although the Guernsey reciprocal health agreement was discontinued very quickly Jersey and the Isle of Man renegotiated theirs and that happened almost immediately so we are in a different position to the other two Crown Dependencies and that is a very important consideration.

Thank you, sir.

935

**The Bailiff:** Deputy Tindall.

**Deputy Tindall:** Thank you, sir.

940 I just briefly want to say that as far as I am concerned and one of the reasons I support the sursis motivé was simply because I do not think it is the time at this stage to debate the policy letter. There are too many unknowns, there are too many other things we need to talk about and yes I do agree that some things need to be discussed, but this particular policy letter has these concerns and I for one feel that the travelling aspect of this is up in air – excuse the pun – and therefore we need to get on with the rest of the work and support this sursis motivé.

945 Thank you, sir.

**The Bailiff:** Deputy McSwiggan.

950 **Deputy McSwiggan:** Sir, there could not be a better definition of split loyalties I think than where I sit right now.

My colleagues on ESS have said please do not support the sursis motivé because this is probably – past and present colleagues on the ESS in fact – because this is the only likely opportunity that there will be to establish some kind of back up scheme for health cover for off-Island travellers who cannot obtain insurance.

955 They know, although they may forgotten, that I have never considered this to be a priority for the use of Government resources, so if we do debate the policy letter I will not be voting for the Propositions at the present time.

I imagine there are others who will apply the Inder test who will not be voting for the Propositions under current circumstances and I suspect that my colleagues on the Committee for Health & Social Care will not feel able to vote for the Propositions because although ESS is the policy making Committee HSC will be the implementing Committee as a result of decisions we made earlier in the year to transfer funding from the Health Service Fund to HSC and along with that the services that it covers.

960 It is not the first thing on anyone's mind to be fair at HSC or at ESS at the moment and so saying that we must make a decision now and go ahead and implement it is probably a little out of sync with the circumstances that we in practice find ourselves in.

What I am trying to offer is perhaps a slightly less gloomy perspective on the effect of the sursis in that I feel I need to support the Propositions full stop, but I think there are others who will feel unable to support the Propositions in the current circumstances and actually for those Members who want to see this issue kept alive it is better that we return to it at happier times than that we try and make a decision now when there is so much else that is preoccupying us.

970 **The Bailiff:** It is now mid-morning. I see there are several other people who wish to speak. I propose that we take just a short break a five-minute break to enable people to wash their hands in line with the Public Health advice that we are all adhering to.

975

*The Assembly adjourned at 11.00 a.m.  
and resumed it sitting at 11.15 a.m.*

**The Bailiff:** So I was going to call next Deputy Roffey. I think you were standing, weren't you? Deputy Roffey, you were standing.

**Deputy Roffey:** I was, sir.

**The Bailiff:** I will call you next on the sursis motivé.

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

Deputy McSwiggan felt that this was not a good use of States' resources full stop. Well that is fine. I do not understand the logical leap from there to sursising it, I would have thought if this was not the right use of States' resources this scheme the best thing to do was to just chuck it out today and then we know where we are.

I actually do not agree with her. I have to accept that this is not the type of policy letter or the sort of scheme that would get anybody doing cartwheels down the street. It is a very pale substitute for a proper reciprocal health agreement and I apologise to the Assembly that it does not go further and cannot go further. It is fairly limited, but in a post-Covid-19 world and our leaders such as Deputy St Pier have been very clear to say that this will come to an end sometime, we will come out of the other end. It is a really useful tool for a particular group of Islanders. Usually elderly, often unable for fear of medical bills to be able to visit perhaps relatives in the UK, it is not so much going away on holidays or perhaps people with pre-existing medical conditions.

So I think I disagree with Deputy McSwiggan in the sense that I think this is a proper use of States' resources and it is something that will make a huge difference to the lives of a group that have virtually been imprisoned on Guernsey, it is a beautiful prison and I think Guernsey is the best place in the world, but really have been petrified to move off the Island. So I think in due course it is something that ought to be introduced.

The question is when, and I completely accept all the arguments about the current pandemic and the fact that this should not be for quite some time. The last thing we want to do is send out mixed messages saying do not travel, please do not travel, here is a scheme. But then ESS are making that quite clear that the very earliest, the very earliest that they will bring it in will be six months after all travel restrictions have been lifted.

Now, I accept there are some other issues that HSC want to work through and Deputy Tooley referred to them in her opening speech. I think it is a question of trust though. ESS not just the current political Committee but in all its manifestations over recent years has not proved itself to be a department of rash and irrational action. They are actually a very rooted department that is cautious, sometimes overly cautious perhaps in moving forward, and they have always had a very close relationship with HSC and I just do not believe if HSC are saying hold your horses six months have passed since the end of the travel restrictions but there are still some remaining issues about NHS people using private hospitals etc. therefore it is not a good time to bring it in that the future ESS whoever may sit on it would actually do that.

But, sir, I think Deputy Langlois is right, it has been painful progress to get to this point, if this is pushed back probably into the next term – even if there is a year's delay, it will probably be into the next term a new set of people grappling with these complex issues I think it just will not happen at all. Now fine if we are going to get an all bells and whistles reciprocal health agreement but I do agree with Deputy Fallaize that that has been jam tomorrow for a very long time.

Deputy Prow is right we are in a different position to the other Crown Dependencies. Our elderly, our people with pre-existing conditions are uniquely impacted by our lack of that sort of arrangement because they just cannot get travel insurance, of if they can it is at such hugely prohibitive prices that it really does not bear thinking about.

1025 So, sir, I think the best thing is to pass this now to trust ESS already we know that an amendment will be brought saying that it cannot be brought in at the earliest until six months after all travel restrictions have been lifted, to trust the ESS to work through the arrangements with HSC but just not, I do not think we should be grinding Government to a halt.

1030 These are peculiar times and there are some things that perhaps it is not the right time to debate. I do not think that the principles of this are wrong at all. The introduction would be entirely wrong but I think we should get on and actually make a decision. If we do not want it fine actually do not give the new ESS the work of going through the detail of bringing it in at least that would be cleared from their decks and they know where they are.

But I just do not see the point of this sursis. I think we should move on past the amendment and then decide whether we want the scheme at all.

1035 **The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Yes, I too oppose the sursis.

1040 It is interesting that the original proposer and seconder would have been Deputy Soulsby and Deputy St Pier who very much are involved with other perhaps more pressing issues at the moment but it underlines the point that when we go through this difficult period at the moment and come out the other side we will need to have a constructive and pro-active attitude to making difficult decisions on funding. Whether that will mean a more conservative look after yourself approach or more big state social insurance model or one involving the third sector remains to be seen.

1045 The point is at the moment or at least before we reached abnormal times there have been a number of people in Guernsey especially those with long term health conditions or who are of a certain age who have found it difficult to acquire affordable insurance and it has restricted their movements significantly.

1050 We have within this sursis the first paragraph:

Islanders have been advised to minimise off-island travel, [quite correct] as part of the response to the current CoVID-19 pandemic.

The purpose of this sursis motiv   is to support that advice. It is considered that approving the scheme, at this point in time, risks giving false confidence to older and vulnerable islanders – who appear to face a higher risk from coronavirus – that they can safely travel off-island. The States advise all islanders to avoid non-essential travel to and from the Bailiwick at the present time.

1055 Well, defining non-essential in the context of say family bereavements or business issues ... The Island is basically an Island that has found business essential to its – there could be all kinds of reasons including health related reasons as to why people would wish to go off the Island.

We consider too that Health & Social Care is of the view it may now be possible to make constructive progress on negotiating a full reciprocal health agreement with the UK. Well I would imagine that the UK will have even greater financial worries and concerns than us and forming a reciprocal health agreement might not be at the top of their list of priorities any time soon.

1060 The irony is that Jersey and the Isle of Man have very simple and not all embracing reciprocal health agreements that you can read on their websites and they last all of two pages. But the reason of course we did not follow along was because at the time during the Financial Transformation Programme era the Island did not wish to spend the money and I think that attitude is still somehow at the bottom of this P&R/HSC sursis because I suspect neither Policy & Resources nor Health & Social Care from their prioritisation of the Partnership of Purpose and wider policy this is not at the top.

1065 But nevertheless there are many people in the community including States' Members from Deputy Fallaize to Deputy Prow to the late Deputy Kuttelwascher who were very much campaigning for this and I think yet again it is an example of the States' departmental level flying in the face of public reaction. Of course it is not going to be progressed instantly, it cannot be

because of the nature of the emergency and crisis we are in, but I think to throw out this policy letter effectively with a kicking the can down the road sursis when we have already compromised enormously will be seen to be weak government.

1075       **The Bailiff:** Deputy Merrett.

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

          It is pretty much a judgement call on how long we take to debate the sursis because in fact at the moment it looks like we may take longer than actually any potential debate on the policy paper, so there is some irony in that.

1080       Many Members have mentioned the coronavirus and we are already led to believe from news reports that getting any insurances in the future could prove to be difficult and could potentially prove to be more difficult more expensive sorry, sir, more expensive.

          We are also aware that people in our community and in other communities that are self-isolating mandatory or otherwise now from a mental health perspective not being able in the future to potentially visit your friends or family whether that is for condolence and bereavement or that of celebrations whether that is for the future for happiness and I do think, sir, with the amendment that is scheduled that actually this could be part of our planning for the future world we could be living in. This could be part of that and so as I have seen the amendment as placed

1085       by Deputy Le Clerc and Deputy Langlois I am more inclined at this juncture – but I will wait for summing up – to support the amendment and not the sursis, because I think we have to plan past this pandemic and we have to – we have got a six month breaker clause *per se* this could actually get us on to the forward foot in the future, rather than us stalling this and being on the back foot in the future.

1090       So I am minded to vote against the sursis but I am still open minded and I will listen to the summing up, sir.

1095

**The Bailiff:** I think – yes, Deputy Le Clerc.

1100       **Deputy Le Clerc:** Yes, sir.

          Sir, I think it would be right of me to respond to some of the questions that have been raised.

**The Bailiff:** Yes, just before you do, you are speaking as the penultimate speaker. I do not think anybody else wishes to speak, so you will speak and then Deputy Tooley will reply.

1105       **Deputy Le Clerc:** Yes thank you, sir.

          Sir, just responding mainly to Deputy Tooley she talked about mixed messages I think I was very clear in my opening speech that we are not endorsing or encouraging any off-Island travel at the moment. This is something for the future and the Committee just needs to know whether this Assembly is in favour of an interim scheme or not. We are not sending out mixed messages we are very clear that we do not want people to travel off-Island at the present time unless it is absolutely essential. So I just want to make that very clear.

          I am slightly confused about the practical implications. I think if you look at our Proposition 2 it is saying that we will continue to ... it is clear that we say that we are going to work with Health & Social Care to work through and agree the practical arrangements, and if this is agreed today we will continue to do that, the responsibility of the Health Insurance Fund is still with ESS. It will be ESS staff that will start to administer this scheme potentially, again it depends on timelines. So a lot of the work will actually be done by the ESS staff and those ESS staff will transfer with the Health Service Fund to the Health & Social Care team, so it is not as if Health & Social Care have got to set up a separate team to administer this. The ESS staff will transfer the resource will transfer with that Fund to Health & Social Care.

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I think there is confusion again about whether these people will be treated as private patients. This is not an insurance scheme where you go to ABC Insurance Company and purchase a scheme. We have made very clear in the policy paper that actually if we had gone down that route we would have found ourselves going down a very expensive route requiring the GFSC to regulate the scheme.

This is basically one Committee paying for a bill when someone happens to fall ill when they are in the UK and it was too expensive for them to have an insurance scheme or travel cover. We know that there are a lot of people like that.

There are a lot of people actually that travel off-Island as a partner to someone who is based in the UK receiving treatment sometimes for six or eight weeks cancer treatment in the UK and other medical treatment and they cannot get medical cover, so they are going to the UK and taking that liability while they are in the UK with their loved ones during that six to eight week period. So I think we just need to emphasise this is not elderly people going off on a jolly, this is very often elderly people either escorting a loved one in the UK and taking that risk and making that decisions that it is more important but potential facing huge bills.

So this is not about as Deputy Tooley said well will they be regarded as a private patient or not a private patient, to me they will be regarded as a patient that would receive treatment under the States of Guernsey scheme, when they come back they would continue to receive that treatment under the States of Guernsey scheme they would not be regarded as private patients. So can I make that very clear.

We pay £8.8 million to the NHS every year for our off-Island contract with them, we are saying that these costs are going to be approximately £160,000 a year. If we have not got a team that can negotiate a good deal on rates well then that is a very poor show.

But I admit yes those are perhaps things that we need to bottom out but we will have plenty of time to do that considering that if we agree this policy paper today actually we know that it may be even a year it may be even 18 months before this interim scheme may come into play.

Regarding costs, well yesterday we literally agreed to spend another £12 million on a revenue services IT programme, literally on the nod, because it was only Deputy Gollop I think that got up to actually query that. So we are talking about a very small sum of money here, £160,000.

We have done a lot of work and again if you look at paragraph 5.2 of our paper we have done a lot of work on best estimates and we have used a company called Predary???[11:32:32] and they are a specialist UK public sector consultancy firm that do work for the NHS. So we have done our utmost to try and best estimate the cost that this will be. We think it will be very few people that will actually need this and we have got a quite high excess of £250.

I think we deserve to have the opportunity to debate this and for this Assembly to decide whether they want to proceed with this scheme or not, not just kick the can down the road with the sursis.

I ask you, sir, to throw out the sursis and let us move to our amendment and full debate.

Thank you.

**The Bailiff:** Deputy Tooley will reply to the debate on the sursis.

**Deputy Tooley:** Thank you, sir.

I do not intend to spend a long time replying to debate because we have obviously got a lot that we need to be dealing with and I take on board what Deputy Merrett said about how a debate on a sursis could potentially take longer than the main debate.

A number of people have raised the concern that if not now, then when, maybe it will never happen if we do not agree this, and I would agree that is not a situation I or I think most of the Members of HSC would want to see.

We are all very much of the opinion that we do not want to leave in the cold those individuals who find themselves unable to obtain insurance but for whom travel to the UK can be an essential thing in their life at some point.

1175 The issue is whether this is the right time to be bringing this forward with everything else that is going on and so on.

I just want to highlight two things. Deputy Gollop saying that he felt that this sursis was an attempt to simply kick the can down the road, which feels ironic in the circumstances of what popped into my email inbox during this debate.

1180 But also Deputy Roffey saying that ESS would not bring this in without HSC saying the time is right. Well I think you have heard very clearly during this debate that HSC are saying that the time is not right for this debate and (*Interjection*) the time for us right now is not right.

1185 Deputy Le Clerc mentioned that patients would not be treated as private when returning, well I accept that that is not the way that this is intended but that is not the way that policy has been written at the moment where services have been commissioned outside the Island when patients return to the Island they are seen on a private basis and so those policies will need to be rewritten.

I think ultimately the issue is that, or one of the issues for us is that, we do not feel that within existing resources this could be managed at this present time as if it were business as usual. So we ask that you agree that this is not the right time for this and support the sursis motiv  .

1190 Thank you, sir.

**The Bailiff:** We go then to the vote on the sursis motiv   and it will be by way of recorded vote I think yes.

We will have a recorded vote on the sursis motiv   so the proxies can be exercised.

*There was a recorded vote.*

*Not carried – Pour 15, Contre 23, Ne vote pas 1, Absent 0*

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

\* denotes Deputies who voted by proxy.

1195 **The Bailiff:** Members, the voting on the sursis motiv   was 15 in favour with 23 against and 1 abstention. I declare it lost.

Debate will therefore continue and we will move to the amendment, which is to be proposed by Deputy Le Clerc and seconded by Deputy Langlois.

Deputy Le Clerc.

1200

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

Sir, would it be possible for the Greffier to read it out please.

**The Bailiff:** I am sure it is.

1205

*The Greffier read the amendment.*

**The Bailiff:** Deputy Le Clerc.

[Amendment](#)

*1. In Proposition 1, for "should be implemented as soon as possible during 2020, as outlined in section 4 of that policy letter," substitute ", as outlined in section 4 of that policy letter, should be implemented as soon as possible after the period of six months from the lifting of restrictions and warnings on off-island travel in relation to the COVID-19 pandemic,".*

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

Sir, I will not say too much because I think we have had quite a lot of debate during the sursis. But I just want to highlight that the words

... should be implemented as soon as possible after the period of six months ...

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So it is not saying the day after six months, it is saying as soon as possible. I think that that gives plenty of flexibility to know what is happening in the insurance market and other events that might take place in the foreseeable future. So I just want to highlight that to people, that it is not saying immediately after six months, it is saying as soon as possible. So further discussions would definitely be able to take place and we will test the appetite at that time.

1220

Thank you.

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

1225

**Deputy Langlois:** Sir, I formally second it.

**The Bailiff:** Thank you.

Is there any debate? No.

We go straight to the vote on the amendment then. (**A Member:** Recorded, please) A recorded vote on the amendment proposed by Deputy Le Clerc seconded by Deputy Langlois.

1230

*There was a recorded vote.*



*Carried – Pour 36, Contre 0, Ne vote pas 3, Absent 0*

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

\* denotes Deputies who voted by proxy.

**The Bailiff:** Well, the voting on the amendment proposed by Deputy Le Clerc seconded by Deputy Langlois was 36 in favour with no-one against and 3 abstentions. I declare it carried.

1235 Is there any general debate? I think we have already had a little bit of general debate in the debate on the sursis. Is there any more general debate?

No? Oh yes, Deputy Merrett.

1240 **Deputy Merrett:** Thank you, sir. ... *[Inaudible]* ... having savings of £100,000 is actually quite a lot of money. Also there appears to be no appeal mechanism under Proposition 1(a) so I was wondering what members of our community can do if they do wish to appeal a decision that has been made.

My only other question, sir, is Proposition 1(d) and that relates to the limit of a maximum of quarter of a million pound per incident. I do not really understand, sir, what would happen if that limit was breached?

1245 So if we were able to have some answers to those questions it would be most appreciated.

**The Bailiff:** Anyone else? No.

Deputy Le Clerc then will reply.

1250 **Deputy Le Clerc:** Sir, I did not quite catch all of Deputy Merrett's questions. Appeal mechanism we have not thought through an appeal mechanism that would be something that will have to be discussed when we further look at the details of what we will be offering. There was something about the limit and I could not quite catch what Deputy Merrett said.

Oh sorry, I give way, sir.

1255 **Deputy Merrett:** Thank you for Deputy Le Clerc for giving way.

Several Members have mentioned insurer of last resort but I am pretty certain that I have read in here and I was trying to scan it again to give Deputy Le Clerc the actual reference in the paper, but I think there is a reference to savings of £100,000 and £100,000 is a lot of money so that I think is my question. Is that the right sort of bar? Does that really mean insurer of last resort if a member of our community has got £100,000.

1265 **Deputy Le Clerc:** Sir, what we are saying is that if you have got savings of £100,000 we think you could probably afford to pay for an insurance premium that might be exceptionally high compared with someone with absolutely no savings or very few savings, so that is why we set the limit at £100,000. Although people have mentioned insurer of last resort I think it means for those that are on very low incomes this would be an opportunity for them to still be able to travel off-Island.

1270 To be quite honest insurer of last resort is not really the right word because this is not actually an insurance scheme. It is just if someone gets caught in the UK and requires emergency treatment the States of Guernsey will step in and pay that up to a limit of £250,000 and you would have to pay the first £250 excess.

I hope that answers Deputy Merrett's questions.

1275 **The Bailiff:** We vote then on the Propositions as amended. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare them carried.

## Billet d'État VIII

### COMMITTEE FOR EDUCATION, SPORT & CULTURE

#### II. Review of the Structure of Secondary and Further Education – Next Steps –

##### Debate commenced

*Article II.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter entitled 'Review of the Future Structure of Secondary & Further Education: Next Steps', dated 11th March 2020, they are of the opinion:*

*1. To agree to the continuation of the development, which is already well under way, of a single States' secondary school operating across a number of sites (initially four sites).*

*2. To agree that the Policy Letter to be laid before the States by the Committee for Education, Sport & Culture which will allow the States to determine the future model of secondary education*

*must also include any revisions necessary to the timeline and authorised budget for the capital project associated with the development of The Guernsey Institute at Les Ozouets.*

*3. To agree that the Policy Letter to be laid before the States by the Committee for Education, Sport & Culture which will allow the States to determine the future model of secondary education must also include any revisions necessary to the timeline and authorised budget for the capital project associated with the redevelopment of La Mare de Carteret Primary School.*

*4. To agree that the authority delegated to the Policy & Resources Committee by the States on the 6th of September 2019 to approve expenditure on various aspects of the Transforming Education Programme shall be varied by increasing the authority delegated in relation to digital infrastructure and services in schools and colleges by £600,000 and reducing the authority delegated in relation to the secondary school by the same amount.*

*5. To agree that the review of models of secondary education against the 'benchmark' model of two 11-18 colleges, which was directed by the States on the 3rd of March 2020, shall be restricted to models organising secondary education in one school in the following configuration of colleges or campuses:*

- a) Three 11-18 colleges;*
- b) Two 11-16 colleges and one 11-18 college; and*
- c) Three 11-16 colleges and a separate sixth form college on a different site.*

*6. To agree that the review of models of secondary education against the 'benchmark' model of two 11-18 colleges, which was directed by the States on the 3rd of March 2020, and for which the baseline assumptions shall be those used in the model of two 11-18 colleges in order to provide a genuine like-for-like comparison, shall include assessment of the following indicative considerations but that the Committee shall be free to include other considerations should it see fit:*

*Quality of education –*

- o Promoting the highest possible standards and outcomes;*
- o Range and equality of opportunities, including curriculum and facilities;*
- o Curriculum breadth and opportunities to group students flexibly;*
- o Standard of and access to facilities indoors and outdoors;*
- o Recruitment, retention, flexibility and resilience of staff teams;*
- o Pastoral support and wellbeing of students and staff;*
- o Support for students with special educational needs or disabilities;*
- o Pupil teacher ratios and average class sizes;*
- o Extra-curricular and enrichment opportunities; and*
- o Ease of transition between different phases of education.*

*Value for money –*

- o Capital expenditure;*
- o Revenue expenditure: making the best use of the funds the States are prepared to spend on secondary education annually; and*
- o Transition costs to move from the status quo to the new model.*

*Infrastructure & organisation –*

- o Infrastructure at the school sites;*
- o Infrastructure around the school sites;*
- o Capacity and capability of the States to implement the model;*
- o Consistency with States' strategic objectives; and*
- o School operational issues which are specific to any particular model (excluding those which are general to all models).*

7. To note that many of the representations received from teachers and others in advance of the States' debate on education which led to the Resolutions made on the 3rd of March 2020 concerned issues which were only partially related or in some cases unrelated to secondary education models – in particular, these issues were the internal space planned and the external space available at the school sites and the configuration of that space and the day-to-day operation of the school and its constituent colleges – and therefore to agree that the review of secondary education models shall allow opportunities for discussions about space standards, the configuration of space and the day-to-day operation of the school and its constituent colleges, in particular with unions representing teachers and support staff, and to direct the Committee to take into account these discussions when recommending to the States the optimum future model of secondary education following the review of secondary education models.

8. To agree that the Committee for Education, Sport & Culture as presently constituted shall remain in office until the normal end of committees' terms of office on the 30th of June 2020.

9. To direct the Committee for Education, Sport & Culture, following the review of secondary education models, to submit its Policy Letter to the States in time for the matter to be included on the 'Schedule for Future Business' not later than at the Meeting of the States which will start on the 28th of April 2021; and further to note that there would be nothing to preclude the Committee from submitting the Policy Letter sooner if it felt able to do so; and to direct the Committee to attach Propositions to the Policy Letter to allow the States to determine the future model of secondary education and to introduce the future model as soon as practicable.

10. To direct the Committee for Education, Sport & Culture, as expeditiously as possible, to draw up a plan for stakeholder engagement to inform the review of secondary education models and this plan shall pay particular regard to the need for improved engagement with unions representing teachers and support staff in secondary schools.

11. To note that the costs of pausing the development of the two 11-18 colleges previously agreed by the States and carrying out a review of other secondary education models against the model of two 11-18 colleges are estimated to be up to £2.5million; and to direct the Policy & Resources Committee to make appropriate budget arrangements to fund these costs.

12. To note that pausing the development of the two 11-18 colleges previously agreed by the States and the consequential effects of doing so will result at least in the deferral of revenue savings on secondary and possibly further education; and to direct the Policy & Resources Committee to take this into account when recommending the annual cash limit of the Committee for Education, Sport & Culture in future years and when assessing the success or otherwise of the Committee's extant revenue savings plan.

**The States' Greffier:** Billet d'État VIII – Article II – Committee for Education, Sport & Culture – Review of the Structure of Secondary and Further Education – Next Steps.

**The Bailiff:** Deputy Fallaize.

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

Deputy Ferbrache who is behind me, physically if not politically, speculated in an email I think to a member of the public that this debate could last two days. I do not think it needs to last two days. I doubt it really needs to last two hours but certainly if it is going beyond that then I can say at the outset that my Committee would be happy to support a motion to curtail the debate to that sort of length of time because I think by then we are likely to have heard all of the arguments.

Why the policy letter has been laid at this time is because the current States' Resolutions require the Committee to produce a report by 30th June. Now that was always unrealistic in our view but particularly given the current circumstances and the new circumstances surrounding Coronavirus it is particularly unrealistic.

But if the Committee deviated from these Resolutions without doubt some Members of the States would be very critical and would say well you have been given these directions and you have not adhered to them, and no amount today of suggesting that we are in different circumstances would stop them. We know that from what has been happening in recent months.

So if one believes there is merit in providing the review with more form and structure and more explicit direction from the Assembly, and we do believe that, then the right time to do that is now at the start of the review so it can be carried out from the best possible starting position.

We obviously in relation to the timing of when the review can start and what phase it can be at at different times there is more uncertainty than there would have been even seven days ago let alone two or three weeks ago. But clearly it is going to start at some point in the relatively near future and it needs to start from the right position.

Sir, I want to reassure the States of the Committee's actions since the last States' meeting. Contrary to some of the nonsense that has been written and said since then, the Committee has fully respected and put into effect the States' Resolution that the model of one school in two 11-18 colleges should be paused pending a review of other models. It has been paused in every respect, and it will not be developed further unless the States choose to un-pause it at some point.

Now, it is true that officers mistakenly sent an email to a uniform supplier in relation to the procurement of PE kit subsequent to the States' Resolution being laid, that was rectified as soon as the Committee became aware, no orders were placed as a result and no financial or contractual obligations were established as a result.

Unfortunately a small number of Members have chosen to claim that this is evidence that the Committee has no intention of pausing the introduction of one school in two 11-18 colleges as directed by the States, but nothing could be further from the truth because the introduction of it has been paused. It is because the Committee is determined in every respect to follow the will of the States as set out in States' Resolutions that we are laying this policy letter before the Assembly and seeking the necessary further clarity and direction.

Sir, the Committee is eager to begin work on this review as soon as circumstances allow. Secondary education has obviously been the subject of much debate in the Assembly and publicly in recent years and therefore the views of all States' Members on the subject are well known. It is not possible to assemble a committee of neutrality or indifference on the subject.

My Committee may be associated with the model the States have paused but for example Members of the previous Committee are equally associated with the model they spent 18 months developing and presented to the States and rejected. I do hear arguments that our Committee which is associated with one model cannot possibly be sufficiently neutral to carry out a review but Members of another committee or any other group of Members whose views are equally well known in relation to other models are sufficiently neutral to carry out a review. Clearly there is no logic to that argument. The Committee is confident that it is best placed to oversee the work directed by the States.

Clearly that would be different if the States had decisively rejected the model which my Committee had been charged with introducing if the States had rejected it and directed the introduction of a different model then the Committee would have stepped aside immediately and the Members promoting that other model would have been presumably would have been elected to lead its introduction. But that is not the situation. The situation is that one model agreed previously has been paused for comparison against other models.

Sir, we recognise the need for the review to include an element of independence and impartiality, and we have begun to discuss how that could be achieved. Ideas initially include using external and independent facilitators to lead the stakeholder engagement and engaging

one or more unbiased individuals to evaluate and verify the quality and reliability of the analysis of models. Clearly it is accepted by us that the review has to carry on in a way which is seen to be objective as well as actually being objective.

1345 The Committee also recognises that it can remain in office to carry out the review and the other work within the Committee's mandate only with the express support or at least the permission of the Assembly hence Proposition 8 attached to this policy letter.

Obviously there is lots of other work that the Committee is doing, Members will be aware of other... another policy letter which has been laid in relation to the plan for sport, there is work which continues in relation to the Education Law.

1350 As a result of the requête and the Resolutions made by the States at the last meeting there is a lot of practical and logistical work which needs to be done to change arrangements which were going to come into place in September 2020 or September 2021 and which now at best will be delayed and the Committee believes that it is best placed to undertake this work.

1355 Now turning to the other Propositions which the Committee is asking the States to support we are of the view that these also build or try to build constructively on the States' Resolutions made at the last meeting without in any way seeking to negate those Resolutions.

1360 Proposition 1 this is around the concept of schools operating as one organisation. This has been a long journey which predates the life of this Committee, indeed predates the life of the previous Committee, and for the last four or five years the States have been on a journey of the secondary schools working more closely together in federation ultimately as one organisation.

1365 Now if we are going to be in a four school model for longer than originally planned, and this is the most expensive model to operate annually which creates the greatest challenges in terms of resourcing and providing equal opportunities, then it is more important than ever that the schools are able to work in partnership as closely as possible, so that we can deploy resources as effectively as possible.

1370 That does not in any way represent a step toward the model of two 11-18 colleges which has now been paused. The one school or one organisation concept which has been around for some years, worked towards over a period of some years, would initially be carried out on four sites, it could in the future operate on three sites or two sites or under any configuration of sites within any model.

1375 I think the current circumstances surrounding coronavirus makes the need to operate as a single organisation stronger than ever. It is going to be difficult, schools operating physically at the moment, whether they operate remotely in the future clearly is a possibility in the current circumstances, and the current circumstances make it even more difficult than normal to deploy resources effectively, and we need the opportunity to be able to deploy them flexibly and that can happen much more easily if we are operating or if the schools are operating as one organisation rather than as separate organisations. So I would ask the States to support Proposition 1.

1380 Propositions 2 and 3 simply recognise that as a result of the decisions of the States made in relation to secondary education it is possible that there will be delay in the capital projects associated with the Guernsey Institute at Les Ozouets and it certain that there will be delay in the capital project associated with the redevelopment of La Mare de Carteret Primary School. Therefore the policy letter that comes back to the States on secondary education needs to include revisions both to the timeline and most likely to the costs of those two other capital projects and that is what is captured in Propositions 2 and 3.

1385 Proposition 4 is to allow the improvements in digital infrastructure and services to continue. The current budget under the delegated authority agreed by the States would not allow the improvements to digital infrastructure and services in schools and colleges to happen as envisaged, and in order to allow it to happen £600,000 needs to be reallocated from the budget delegated in respect of secondary transformation to the budget delegated in respect of digital  
1390 infrastructure and services. It does not add any expenditure it merely reallocates it from one budget to another – which is not in the control of our Committee. The authority is delegated to

the Policy & Resources Committee and that is why we are seeking the permission of the States for that delegated authority to be varied.

1395 Now Proposition 5 focuses on the review of models which should be ... or focuses on the models, sorry, which we believe should be reviewed and these are models for which at least some political public of professional interest has been expressed. They are also the models which were captured in the various amendments which were laid at the last States' meeting.

1400 At the present time the Resolution requires the Committee to analyse all models previously presented to Committees. This includes models of middle schools, so ceasing primary education at 11 then having middle schools until 14 and then a later stage of secondary education. That under the current terms of the Resolution the Committee will have to be analysing that model. It also includes an analysis of four school models which for the last several years there has been no enthusiasm for.

1405 So we believe that requiring all such models to be analysed would be a waste of time and money and the review should be focussed to those models for which some political or public or professional enthusiasm has been expressed.

1410 In addition the current review does not require an analysis of three 11-18 colleges and clearly a Committee could use its discretion to include that model in a review but we do not know when this term of the States is going to end, we do not know what the personality of the Committee will be, clearly some of this work is going to be carried on into the next term and at the present time the directions to the Committee do not require an analysis of three 11-18 colleges, which for some people, Members of the States, and members of the public, and some members of the teaching profession, is seen as a reasonable compromise which should at least be included in the review.

1415 A consequence of the current Resolutions, inadvertently perhaps, is that work to develop the Guernsey Institute cannot be continued. That is because the current review requires an analysis of models for secondary education incompatible with the Guernsey Institute in the form that it is being developed. We cannot just press ahead spending very considerable sums of money developing the Guernsey Institute in the form previously agreed while at the same time carrying out an analysis of models of secondary education which would have further education developed in a completely different way. Therefore we want to put beyond doubt that none of the models for review, secondary education models for review, should be incompatible with the Guernsey Institute in the form that it is currently being developed and doing that will allow the Guernsey Institute work to continue.

1425 Proposition 6 sets out indicative terms of reference. Currently there is no common understanding of what criteria various models need to be assessed against or how detailed the review of each model needs to be, and we think that is unsatisfactory. Bearing in mind the history of this matter which has been very contentious and going back over many years, it is sensible in the Committee's view to set out at least some indicative terms of reference at the beginning of the review, otherwise what is likely to happen when the review concludes is that it will be criticised for having studied the wrong things to the wrong level of detail. So this Assembly should set its expectations for the criteria against which the models are to be assessed.

1430 Proposition 7 currently the Resolutions require the work ahead to be focussed only on models how many schools, where they should be, what the age range of the students should be. However, clearly many of the representations made by teachers in the lead up to the last debate were about the implementation of models as well as models themselves.

1435 Therefore it seems to us essential that though the review of models needs to be thorough and is important bearing in mind the States' Resolution there also should be scope within the review to have discussion with the profession in particular about the implementation of any model and the detailed plans.

1440 We met with representatives of the teaching unions last week to outline our thinking around this policy letter and that discussion confirmed us in our view that at least some of the discussion

as part of the review is going to need to be around the implementation of the model and plans as it were as well as models themselves.

1445 I have already addressed Proposition 8 which is essentially a confidence vote in the Committee. If Proposition 8 is approved the Committee will remain in office and if Proposition 8 is not voted on or is voted against the Committee will resign because it will interpret that as not having the confidence of the States to carry out the work that lies ahead and it will step aside to allow the States to elect Members in whom they do have confidence to carry out that work.

1450 Proposition 9 the current Resolutions contain a timeline which in our view sets up the Committee whether it is our Committee or a different Committee for failure. It requires a review to be completed in the next 15 weeks, and then it requires the next Committee to have many weeks fewer than that to decide what it thinks the future structure of secondary education should be and the timeline is even more unrealistic as a result of the circumstances around coronavirus.

1455 We are proposing a timeline which would see the review complete in about a year's time which is still challenging even in normal circumstances but is particularly challenging given current circumstances but it is realistic. It would require a policy letter to be submitted to the States by April next year, not April this year as one *Press* columnist claimed this week in a wholly inaccurate attempt to justify the silly assertion that the Committee is not fully committed to abiding by the States' Resolutions and carrying out the review of models directed.

1460 Sir, Proposition 10 refers to stakeholder engagement I have already said that clearly there needs to be an element of impartiality and independence in this area of the work. Early in the review a credible plan needs to be established for stakeholder engagement. We have floated with union leads the possibility of co-creating a plan for stakeholder engagement with the profession and we are keen to pick up those discussions as soon as the current circumstances allow.

1465 Proposition 11 addresses finances the current Resolutions require a review which will inevitably incur material costs but they do not provide any budget and we hope the States will put right what can only have been an oversight and allocate a budget for that purpose.

1470 Obviously the money is not being spent which had previously been delegated to the Policy & Resources Committee in relation to the developing the two 11-18 colleges so it is not that the net expenditure is going to increase here it is just that there needs to be a budget allocated for this review to be carried out.

1475 Proposition 12 notes that maintaining the current model for longer will be more expensive than previous plans have set out. The States and the Policy & Resources Committee is expecting this Committee *for* Education, Sport & Culture to deliver savings in the next few years which were based partly on moving to the two 11-18 colleges. Now clearly that is not going to happen as quickly as it was going to happen, if it is going to happen at all, therefore we will be in the current more expensive model for longer and Proposition 12 directs the Policy & Resources Committee to take that into account when recommending the Committee's cash limit budget in the future and until such time as the States determine what the future structure of secondary education will be and can then set out a budget plan for future years.

1480 So, sir, all of these Propositions have been submitted in good faith with the principle objective of ensuring that the next review of secondary education models focusses on the right questions and is carried out with appropriate thoroughness and all the speed which current circumstances will allow against criteria agreed by the Assembly and with the necessary budget in place.

1485 They seek to build upon and not in any way negate the Resolutions made by the States at their most recent meeting and, of course, sir they include this Proposition 8 which the Committee will also in all good faith accept as the judgement of the States on whether the Committee should continue or not.

1490 I ask the States to support all of the 12 Propositions.  
Thank you.

**The Bailiff:** There is a sursis motiv   that has been circulated electronically but we have hard copies here so I will pause to enable those to be handed out, and it is preceded by a motion to



1495 suspend the Rules of Procedure. So can the hard copies of that motion and the sursis motivé please be circulated.

**Deputy McSwiggan:** Sir, sorry.

1500 **The Bailiff:** Yes Deputy McSwiggan.

**Deputy McSwiggan:** May I request – I did not think you could see me – that we adjourn 15 minutes early for lunch in order to consider the sursis which has only just been distributed rather than – ?

1505

**A Member:** Hear, hear.

**The Bailiff:** So you are suggesting that we adjourn now for lunch?

1510 **Deputy McSwiggan:** Yes please, in order to give us the time to consider the sursis before a debate on it opens.

**The Bailiff:** Well, it is already now just about quarter past 12. If we do that we could return at quarter past two, would that ... ? Yes, I put to you then the Proposition that we rise now and resume at 2.15 p.m. Those in favour; those against.

1515

*Members voted Pour.*

**The Bailiff:** We will do that.

*The Assembly adjourned at 12.13 p.m.  
and resumed it sitting at 2.15 p.m.*

### **Review of the Structure of Secondary and Further Education – Next Steps – Debate continued**

*Motion under Article 7(1) of the Reform (Guernsey) Law, 1948:*

*To suspend the Rules of Procedure to the extent necessary to permit the Proposition set out below to be considered.*

[Sursis motivé](#)

1520 **The Bailiff:** Well, the sursis motivé has been circulated Members will have had a chance to consider it but before that can be debated there is a need to suspend the Rules of Procedure to the extent necessary to permit the Proposition set out below to be considered. Are you moving that Proposition, Deputy Meerveld?

**Deputy Meerveld:** Yes please, sir.

**The Bailiff:** Deputy Gollop, are you seconding it?

1525

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

**The Bailiff:** Well we need to get as many people back in here as soon as possible because under the Rules of Procedure this is neither an ordinary Proposition nor is it a secondary

1530 Proposition, both of which ... sorry, it is not an original Proposition nor is it a secondary Proposition as those terms are defined within the Rules and therefore proxy votes cannot be exercised. So it will only be the Members who are physically present who can vote on the motion to suspend the Rules of Procedure. But I will put that motion to you now. Those in favour; those against.

*Members voted Contre.*

1535 **The Bailiff:** I believe that has been defeated.

**Deputy Meerveld:** Can I have a recorded vote please, sir?

**The Bailiff:** You may have a recorded vote.

1540 Recorded voted on the motion to suspend the Rules.

**Deputy Meerveld:** Sir, did I not get an opportunity to speak before this – should I have had...?

1545 **The Bailiff:** No not normally on a motion to suspend the Rules, it gets put straight to the vote. Otherwise there is a danger you speak and you make the opening speech that you would have made if the Rules had not been suspended. So normal procedure is it is proposed, seconded, then we go straight to the vote.

*There was a recorded vote.*

*Not carried – Pour 11, Contre 15, Ne vote pas 0, Absent 13*

**POUR**

Deputy Prow  
Deputy Ferbrache  
Deputy Gollop  
Deputy Mooney  
Deputy Trott  
Deputy Meerveld  
Deputy Inder  
Deputy Laurie Queripel  
Deputy Green  
Deputy Brouard  
Deputy Dudley-Owen

**CONTRE**

Deputy de Sausmarez  
Deputy Roffey  
Deputy Tindall  
Deputy Brehaut  
Deputy Tooley  
Deputy Parkinson  
Deputy Lester Queripel  
Deputy Le Clerc  
Deputy Merrett  
Deputy Stephens  
Deputy Fallaize  
Deputy Graham  
Deputy Le Tocq  
Deputy McSwiggan  
Deputy Langlois

**NE VOTE PAS**

None

**ABSENT**

Deputy Soulsby\*  
Deputy Oliver\*  
Alderney Rep. Roberts  
Alderney Rep. Snowdon\*  
Deputy Leadbeater\*  
Deputy Le Pelley\*  
Deputy St Pier\*  
Deputy Lowe  
Deputy Smithies\*  
Deputy Hansmann  
Rouxel\*  
Deputy Paint\*  
Deputy Dorey\*  
Deputy De Lisle\*

\* denotes Deputies who voted by proxy.

**The Bailiff:** Well, Members, the voting on the motion to suspend the Rules to enable the sursis motiv   to be laid there were 12 in favour with 14 against. I declare it lost.

1550 Therefore the sursis motiv   will not be laid and we will go straight into general debate and Deputy Inder will speak first then Deputy Prow.

1555 **Deputy Inder:** Sir, we are in different times again, so I am going to try and probably not show my annoyance at this policy letter and try and be as statesmanlike as I possibly can, given the circumstances.

But I am reminded there is a story in the Inder household of how I used to play draughts, I do not remember it probably because it does not put me in a very good light, but my mother always tells me when we used to play draughts when you were a kid she would always beat me what I

1560 would then say is can we play another game mum and then she would beat me again and then she would say best of five and then she would beat me again until at some point I was told to go to bed, and this is what this looks like.

This has already been lost once in this Assembly over a four day debate and it looks to me very much like we have got a Committee who have basically come back to the Assembly the very next States' meeting and want to play again.

1565 Now I am going to go through a number of these Propositions and I promise you I will not take too long.

Looking at Proposition 1

To agree... the continuation of the development, [of the two school site] which is already well under way, of a single States' secondary school operating across a number of sites (initially four sites).

1570 Well that looks very much like a potted version of the Trott and St Pier amendment, which no-one on the Committee last time voted for. Had they voted for the Trott and St Pier amendment the Committee could have been carrying on working on the two school model and having a sort of second rake of work continuing alongside. So that is the Trott and St Pier amendment, so after losing the debate we are seeing in Proposition 1 they have had a bit of a rethink.

Moving on to Proposition 2: To agree that the Policy Letter be laid before the States by ESC allow the States to determine the future model, etc. ...

... capital project associated with the development of The Guernsey Institute at Les Ozouets.

1575 Well, I am fairly sure that was an amendment to the pause and review anyway to allow the Guernsey Institute to carry – was it not? – I have slept since then, because I thought that we have had the conversation. So I withdraw that remark.

But I will move on to 5:

To agree that the review of models of secondary education against the 'benchmark' model of two 11-18 colleges,  
a) Three 11-18 colleges;

1580 Well, that was the Trott ... no, I beg your pardon, that was the Le Tocq and the Brouard amendment. Admittedly it would replace completely, so I suspect that is probably the reason, but that seems to be an element of the Le Tocq and Brouard amendment and if nothing else it is certainly the Inder and Brouard amendment that effectively every single Member of the Committee voted against it because they were effectively through you, sir, I suspect they just did not want a pause and review but they lost it and now we are back here less than a month later  
1585 effectively them asking this Assembly to have a rethink because they want another go at it.

I must say here:

b) Two 11-16 colleges and one 11-18 college;

1590 I know that is a red-line for Deputy Fallaize and I am fairly sure it is a red-line for one other Member of that Committee, and Deputy Graham has confirmed that because he has just stuck his hand up to confirm that. So in their policy letter that they have brought back to this Assembly they are asking us to agree to two 11-16 colleges and one 11-18 as a benchmark which we know that they have got no interest in whatsoever, politically they do not want to see this.

1595 Can you honestly believe Members who are about to vote on this that a Committee who is absolutely against it absolutely against it will look at this in an open and transparent way without having any political sentiments over the top of it. Now, I really do not believe that is possible, but their opportunity to agree this was in the last Brouard and Inder amendment and that was rejected by I think all of the Committee.

I am now going to move on to the very last comment on it. No. 8 I am expecting Deputy Fallaize to dance on a pinhead here, and I am expecting him to correct me.

To agree that the Committee for Education, Sport & Culture as presently constituted shall remain in office until the normal end of committees' terms of office on the 30th of June 2020.

1600 Except well I understand that depending on what happens over the next week that might change a bit. But the only who said that they had no confidence in the Committee was themselves.

1605 This is the Committee and Deputy Fallaize will remember as will other Members of the Assembly through a very odd moment we were practically having a conversation via the give way question he got up in the Chamber and challenged Members of the Assembly who are likely to put themselves forward should the Committee resign. Deputy Meerveld I believe stood up I think Deputy Prow might have mentioned it, and I think Deputy Dudley-Owen. So the only people who had no confidence in the Committee were themselves. They effectively said that should the pause and review pass they would resign and they have not. But I never asked them to.

1610 **Deputy Fallaize:** Point of correction, sir.

**The Bailiff:** Deputy Fallaize.

1615 **Deputy Fallaize:** The Committee did not say that if the requête was successful it would resign. No Deputy Lowe is claiming, if you have got the quote then please produce it, but you will not find it because it was not said.

1620 **Deputy Inder:** Well as usual, sir we are seeing – well okay, he might not have – through you, sir, Deputy Fallaize may have found one word slightly out of place where he did not actually say that I will resign if this pause and review... but quite clearly the sentiment was that should the pause and review be successful his Committee would go fairly sharpish, and everyone in the Island as well along with the Members of the States heard that, it was used as a political device to say that if we lose... rather if the pause and review is successful we will be gone.

1625 Now that is their decision. If there really was a lack of confidence in the Committee and this is where it gets a bit perverse I would have signed one myself, but the only – and we are in this weird sort of Orwellian double think process where the Committee keeps suggesting arguments that were never made. It is them who said they are likely to resign if the pause and review was successful, them, no-one else, in fact it was trailed on social media by Deputy Brehaut. Deputy Brehaut challenged a number of people if the pause and review do you know that the Committee will resign. I did not respond to it, the only people who have said that they were going to resign is the Committee.

1630 Now, sir, I am going to end there very shortly. Now the Assembly is basically asked where it would have confidence in the Committee I would have had no intention of signing a motion of no confidence had this Committee resigned, that is entirely up to them, but I am not entirely sure what confidence I have got in the Committee anymore because I know that they do not want to deliver a two 11-16 and one 11-18. I know that as a fact, politically they are absolutely against the concept. Deputy Fallaize has told me that, another Member of the Committee has stuck his hand up Deputy Graham has confirmed that.

1640 We are now being asked to suspend disbelief, all of a sudden the compromise that was asked through the amendments, I think it was Deputy Heidi Soulsby criticised the Committee for not compromising at all.

1645 They did not have to be here today. Had they compromised, had they not over played their hand and they absolutely overplayed their hand we would not be here today, and if they lose this and back to that story about me playing draughts with my mum what are we going to get tomorrow are they going to find another word that is quite not out of place are we going to get one next week? How long does this go on for?

So, sir, I will not be supporting this and I honestly think the Committee should go back to the original pause and review stop dancing on a pinhead. I do not think for an instant this Assembly if

it actually looked at page 5 would find it inconceivable that they could not come back looking at option 5 under the pause and review, which is three 11-18's, the two 11-16's the one 11-18; the three 11-16 colleges and a separate sixth form college on a different site. They could come back, they could bring a separate policy letter about the Guernsey Institute fairly sharpish; they could talk to or include the teaching unions or the teaching representatives, I just do not think they want to.

Thank you.

**The Bailiff:** Deputy Prow.

**Deputy Prow:** Thank you, sir.

Please may I start from your reminder, sir, about the fact that we should show respect and be civil to each other during debate. (**Several Members:** Hear, hear.)

For the avoidance of doubt, I want to start what I have to say by saying I completely respect all the Members of the ESC Committee and that this as far as I am concerned is just a political debate where I think that they have got something wrong and I wish to use the States' debate to say this.

Both personally as Deputies and their commitment to the model they believe and the work they have put in again I respect and I have said this in this Assembly and in the very rare email exchanges that I make I have made it clear.

But, sir, I would perhaps also ask the ESC Committee to perhaps consider where the requérants particularly those who have led on this and led on the opposition to the ESC mode. We did not have the communication or use the communications machinery of the States of Guernsey or the senior leadership team or the office of ESC. We have acted as individual Deputies and we have had to bear the brunt of some, although be it limited, social media and emails. So it is not just as though it is all one way traffic.

Also I would ask the ESC Committee to consider this the requérants have through the last debate put successful Resolutions and they have in their Committee some of the best orators in this Assembly and perhaps they should bear in mind that although by a very narrow majority the strength of feeling that there is the opposition to the model they have put forward.

So, sir, I rose to speak about this extraordinary 12 Proposition policy letter which I believe is rushed out in response to the two Resolutions decided by this Assembly after a marathon four day debate.

Sir, in my view I echo what Deputy Inder has just said, this response is completely out of order and which can only cause a rerun of over 20 hours of debate.

Sir, a great deal of emphasis was made during this long session about ESC being tasked to deliver States' decisions, but, sir, now we have two new States' Resolutions agreed on 3rd March. Sir, that means that only 16 days ago this States passed two Resolutions giving directions to the Committee for Education, sport & Culture. Sir I submit it is for that Committee to use its political judgement about how to deal with the comparison task so resolved.

Sir, like the rest of us in this Assembly it has benefited from the record of the debate on *Hansard*, what is worthy of note is that the Propositions were turned into Resolutions unamended. Again, sir, for the avoidance of doubt only one amendment to the requête was successful putting the meaning of non-selective beyond any doubt. The clear message and instruction from the Assembly is do not build education models on the floor of the Assembly and consult with stakeholders. ESC's amendment was defeated and it did not look at all like the policy letter that we have before us.

Some of it looks as Deputy Inder has pointed out a bit more like the P&R amendment but that was also defeated and not supported in a long debate by them. But, sir, hey presto we now have this policy letter to consider.

Sir, can I take Proposition 10 of an example why this policy letter is unhelpful and unnecessary. Why on earth does ESC need a Resolution from the States to draw up a plan for stakeholder

1700 engagement to inform the review. This could have been started the day after the debate. It is that engagement that will inform ESC. What more can this Assembly now today add to it?

Using the words of Proposition 7 which talks in terms of representations received from teachers and others, it already introduces a concept of the Committee and I quote:

... to take into account these discussions when recommending to the States the optimum future model of secondary education ...

1705 The Committee just needs to take heed of the spirit of the Resolutions and get on with this, without getting on with the end user consultation regurgitating the education model building debate is not helping.

Interestingly in Proposition 9 ESC endorse the date in the Resolution made on 3rd March when the newly constituted Committee will be able to submit its policy letter to the next States as 28th April 2021 and I quote:

... that there would be nothing to preclude the Committee from submitting the Policy Letter sooner ...

1710 Well good. I am told that the present States cannot bind the next and, sir, I agree. Also I believe ESC said they would struggle to achieve this in seven months. So, sir, which is it. This Committee is hardly a puppet of the States and of course it can make judgement calls provided they meet the bottom line ambitions of the Resolutions. Sir, I ask ESC to start work. It does not need anything more from this Assembly further to what it can glean from *Hansard*.

1715 Sir, in order to call out this very bad policy letter I need to go through each Proposition in some detail but I shall be as brief as I can. Two Propositions ask for a direction, one note and direct, two to note, seven to agree, and two just to note.

1720 Sir, Proposition 1 I have not got very much more to add to what Deputy Inder has already said but I cannot agree with the Proposition as it talks in terms of a single States' secondary school. The wording is not helpful and not the wording used in the Resolution as worded in the successful requête.

1725 Sir, Propositions 2 and 3. Sir, in my view this is unnecessary but I can support these two as I do not believe the review should interfere with the timeline of the Institute or La Mare de Carteret Primary. Indeed, sir, *Hansard* will show that there is no appetite in the States not to proceed with the Guernsey Institute or the building of La Mare de Carteret Primary, again in consideration of the conduct of the review clearly resolved by the States the impact can be assessed and factored in. The whole point of pause and review is not to prejudge the outcome but to consider the viable options and report back as soon as humanly possible using ESC's own words to build the optimum model.

1730 Proposition 4. Sir, I caution all Deputies to go along with this Proposition which will interfere with Policy & Resources delegated authority. Sir, I cannot be at all sure that by messing with the current Resolutions of the States in this arena this may alter the ability of P&R not to use that authority and bring that decision back to the States, which to the credit of P&R they have said that that is a possibility in the circumstances of the immense challenge from the professionals, the public, and now in a Resolution of the States.

1735 Sir, Propositions 5 and 6. I cannot at all agree with these Proposition as they completely alter the effect of the Resolution passed in the Assembly earlier this month. They introduce a totally new concept of benchmarking. This is a concept in which I am very well versed due to my previous career. Sir, the National Audit Office led such an exercise where the border controls of the three Crown Dependencies were benchmarked. Of course, sir, Guernsey did superbly. Sir, you can only benchmark by comparing outcomes including key performance indicators, resources and demonstrating value for money.

1740 Sir, you cannot possibly benchmark concepts as none of the outcomes are yet attained. Business cases can only give a view of how each model might compare against each other. Sir, that is why stakeholder engagement is so vital in this process, the end users will stand and deliver

the outcomes in the class rooms. They need to have the input into comparing the models the only benchmarking that could be done, and only in the future, is the current four school selective model against the results and other educational outcomes of whatever model is moved forward.

1750 Sir, the proof of the benchmarking outcomes is in the pudding, you cannot measure aspirations in this way. These Propositions, sir, are not worth the paper they are written on.

1755 Proposition 7. Sir, I can indeed note that the Resolutions of 3rd March were as a result of the representations of teachers, this is absolutely the case; however, sir, I am not prepared to note the conclusion drawn in that they were partially related to secondary education models. This is what the Committee are saying not the teachers, the only way you can make any headway on those representations, and I am sorry to repeat this, is to consult with them in a proper structured manner in line with business case development. I cannot note this Proposition and I recommend that this Assembly does not either. Sir, I just ask ESC to get on and consult.

1760 Proposition 8, sir. It is interesting that ESC are asking the question whether they should remain in office until the 30th June 2020. Sir, that date is now much more open to question and we have been into the reasons for that. Sir, I have already said that I completely respect the current Committee for the commitment to the one school on two sites model. I simply ask States' Members in the light of this policy whether they are the right people to lead the pause and review.

1765 Propositions 9 and 10. I have already mentioned these in that the only ones that seek directions they should already have a plan to properly engage with the teachers and other stakeholders and need no additional direction around States' agendas especially as the priorities have now dramatically been taken over by recent events.

1770 Finally, sir, Propositions 11 and 12. These, sir, in my view are the only Propositions which perhaps we could note. The Rule 4(3) submission has rightly flagged up the question of the pause and review having a cost to it. But is this request to note at the right time? I will listen carefully to the debate and any view given by the Policy & Resources Committee.

But, sir, Proposition 11 has a cash limit direction in which this Assembly needs to be a bit more careful about. Again I submit we need to consider Policy & Resources approach to this.

1775 Sir, in keeping as brief as I possibly can I will close by saying I strongly recommend all Propositions of this very poor and rushed policy letter except perhaps at a push 2, 3, 11 and 12, but even they are untimely and unnecessary.

I often quote my late mum in speeches act in haste repent at leisure. The only haste I recommend to ESC is to consult with the stakeholders.

1780 Thank you, sir.

**The Bailiff:** Deputy Lester Queripel.

**Deputy Lester Queripel:** Sir, thank you.

1785 Sir, I will start by saying that I am absolutely delighted that the Committee decided to stay in office after the previous debate. That must have taken a lot of soul searching after the result of the previous debate earlier this month and I wholeheartedly commend them for adopting such a pragmatic approach. It would have been so easy for them to just throw in the towel and cave in to public pressure and also pressure from some Members of this Assembly. Thankfully they did not behave like petulant children and throw their toys out of the pram just because they could not get their own way. I applaud them for that.

1790 Now, sir, I know some of my colleagues in the Assembly that the Committee have been dragging their feet since the last debate earlier this month, but that accusation is built on sand. I say it is built on sand because within five working days of the end of the previous debate not only did the Committee decide to stay in office but they also produced the policy letter that is in front of us which seeks to not only allay the confusion caused during the last debate but also adds the Proposition asking the Assembly to decide whether or not they want the Committee to stay in

1795

office. So how on earth that can be considered to be dragging their feet by some of my colleagues is totally beyond me.

1800 As far as I am concerned the Committee have been extremely proactive and I really think we all need to recognise just how proactive they have been.

Now, sir, I mentioned confusion and as we all know there was a lot of confusion in the previous debate. There was confusion about what would happen to the Guernsey Institute should the requête we were debating at the time succeed and there was also a lot of confusion in relation to whether or not the three 11-18 year old college option would be considered in the review.

1805 Now this policy letter before us addresses that confusion in Propositions 2 and 5. That provision of clarity is captured perfectly in paragraph 1.7 which reads as follows:

Providing the necessary clarity now will allow the review of secondary education models to be appropriately focused and increase the prospects of it resulting in the next States finally being able not only to determine the future structure but to complete the task of [actually] introducing it.

So therefore, sir, I have no hesitation whatsoever in supporting those Propositions.

1810 Now of course Proposition 8 is the crux of the matter, but I have no hesitation whatsoever in supporting Proposition 8 either, which as we know is the vote of confidence/no confidence Proposition.

Now if the majority of the Assembly vote against that Proposition, sir, then all I can see resulting from that is severe disruption. The Committee would then resign and a new Committee would need to be put in place and who are the five Members from within this Assembly who would want to then populate the Committee? Will we be provided with an absolute guarantee that they would do a better job than the current Committee? Of course we will not, so surely we need to continue to put our trust and our faith in the current Committee and let them get on with the job the majority of this Assembly have asked them to do. Not only will it cause severe disruption if Proposition 8 results in a vote of no confidence it will also result in valuable and precious time being lost whilst a new Committee spends time getting their feet under the table and getting to know the ropes. They will have to build relationships with the members of staff in the office and identifying who actually does what in the set up and what role will they be undertaking in the actual review itself.

1820 Not only will sufficient political oversight be needed for the review itself but political oversight will also need to be maintained on a day to day basis in all of the other areas under the mandate of the Committee. I think it is important to remind colleagues, sir, that the mandate is huge and those other areas I am sure colleagues are aware of them but for those listening on the radio I am going to highlight, because it seems to me that sometimes people forget about the sport and culture bits (**A Member:** Hear, hear.) when they talk about our Education Committee and that is a big mistake. I say that because if any Member of this Assembly is thinking they want to be a Member of a new Committee for Education because they want to spend all of their time progressing and pursuing the review exclusively then they need to think again because they will not be doing that. How can they possibly do that, when the mandate for ESC reads as follows?

1. pre-school, primary, secondary, further and higher education;
2. apprenticeships;
3. skills;
4. lifelong learning;
5. sport, leisure and recreation;

– all massive areas to oversee:

6. youth affairs;
7. the arts;

Another massive area:

8. libraries, museums, galleries and heritage;



9. Island Archives;

10. civic celebrations and commemorations, including Liberation celebrations.

1835 Sir, that is one huge mandate. The Committee not only have to provide sufficient political oversight to every single one of those areas, but they also have to advise the States and develop and implement policies relating to all of them, plus their purpose as stated in the Red Book is:

To encourage human development by maximising opportunities for participation and excellence through education, learning, sport and culture at every stage of life.

That is an awful lot of work to do, sir. It seems to me as though the current Committee do all of that as part of their day job whereas a new Committee will have to spend a lot of time learning how to do all of that. As well as having to spend previous time learning how to do all of that the  
1840 Members of that new Committee also have to keep up with all of the other work they currently do on other Committees, on policies, on strategies, on one to one cases, on amendments to items in future Billets etc. Unless of course they desired to resign from their current Committees to free themselves up to concentrate on their news role as a Committee Member on Education... Sport &  
1845 Culture I paused there purposely, sir to emphasise that the sport and culture bits are often forgotten.

Of course if they do resign from their current roles to take on a new role on Education, Sport & Culture that in turn will only cause even more disruption because there will be then the need to fill the vacancies on those other Committees. So the disruption will go on and on and on and on.  
1850 Would it not be far better for our community for us to put our faith and our confidence in our current Committee and in so doing avoid all of that disruption and time having to be spent learning how to do things.

Sir, surely what we cannot afford to do at such a critical time in the history of our Island is allow disruption within any committee to prevail. Surely at such a critical time we need stability,  
1855 surely we need to put our trust and our faith in the current Committee and allow them to go on and do the job the majority of this Assembly have asked them to do.

I think those are the question that my colleagues need to ask themselves come the time to vote. Will a new Committee be able to deal with everything I have highlighted in this speech and still deliver? My view is they will not be able to. I am sure they would give it their best shot, sir, but  
1860 I cannot see how they would deliver.

Another question, a second question colleagues need to ask themselves is will the current Committee be able to deliver? My view is of course they will because it is territory they are only too familiar with and they will just carry on with the day job of applying political oversight to the whole of their mandate at the same time as progressing the review.

1865 Moving towards a close, sir, I ask for a recorded vote when we go to the vote please. In closing I want to put on record once again that I deprecate wholeheartedly the abusive behaviour and personal insults that some members of our community have been hurling at Deputy Fallaize and his Committee for several months now, that is disgraceful behaviour and those members of our community who behave like that should be thoroughly ashamed of themselves, and I disassociate myself from those Islanders, I have no desire whatsoever to be associated with them, especially  
1870 when they refer to colleagues as 'mugs'. Members of our community that behave in such a disgraceful behaviour should ... I plead with them please refrain from such disgraceful behaviour in the future and sir, to finish, although I have been on the receiving end of similar abuse from Islanders because I dare to support my colleagues on ESC, I have no intention of withdrawing my  
1875 support and I can only hope those abusive Islanders finally get the message.

Thank you.

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, I would like to endorse many of the comments just made by Deputy Lester Queripel, I said so in the last debate, I abhorred the abuse given to Deputy Fallaize and his family in particular it is disgraceful the people who did it were gutless, spineless and pathetic, and I do that again now.

I also agree with Deputy Lester Queripel that there are many important issues. But the truth of the matter is, and there are two truths, firstly that the Committee has lost the confidence of the majority of the public. Now I said – Deputy Brehaut is saying, no, no, no – but it is a bit like the Grammar School vote when the people voted to keep selection all those years ago it was the wrong kind of people that voted, in other words they did not like the vote so they ignored it. What influenced me primarily, and I said so in the last debate, to vote for the requête was because I sincerely believed that the Committee had lost the confidence of the teaching profession and lost the confidence of a large number of the majority of our public. I also said I believed, because I did not know, that that was why Deputy Trott for example voted the same way ... Now I do not think either of us are without political antennae when it comes to public perception and public feeling and I think that should be born in mind.

So that was the first reason they have lost the confidence of the relevant parties and in the intervening period between early March and the 20th – what are we now 19th March – 16 days as Deputy Lester Queripel said they would not have gained that confidence, it has not come flowing back in that short period of time.

The second reason is speaker after speaker from the Education Committee last time said the requête was the worst thing that could happen, it was terrible, they could not agree with it, it was a desperate thing to do, and yet here they are 16 days on saying we will do it, we will carry on and we will implement it and we will follow it through.

I remember the previous President to Deputy Inder of the Rules Committee that I am now a Member of was Deputy Peter Roffey and Deputy Roffey said look I have got to resign from this Committee the Rules Committee because I do not believe in the Island-wide voting thing and it should be people who believe in that who step up to the mark, and yet there he sits and nods, and there the Committee sit and nod seeking to get affirmation from this States' Assembly so that they can carry on with a policy with a requête – well, it is not a policy, it is a requête, Deputy Langlois corrected me outside when we were talking before in the break when he was having his cigarette and I was wafting my way through the smoke – but in relation to all of that it is a clear decision of the States. Now it might have only been 18½ or 17½ last time, but overwhelmingly in my view, in my view overwhelmingly the public would have had a much more decisive vote than that if they had been voting in relation to the requête and Propositions.

There is the master, and I meant that respectfully, in relation to knowing the words of lyrics from songs of 40 years ago, who has just spoken, Deputy Lester Queripel. I am a mere apprentice. he punctuates his speeches sometimes with quotations from local popular music or popular music of the past. I am an apprentice as I say and sometime I litter my speeches with such remarks. Now there is – I was reminded of a Moody Blues hit from January 1965 called *Go Now* and the words the material words of that say:

'We've already said "Goodbye"  
Since you gotta go, oh you'd better  
Go now, go now, go now (Go now)  
... how many times do I have to tell you darlin', darlin'...  
oh you'd better  
Go now, go now, go now (Go now)'

**Deputy Brehaut:** Tedious repetition, sir.

**Deputy Ferbrache:** I thought about *Nights in White Satin* but that was about Justin Hayward getting satin sheets from a true love, an unrequited love, and I thought perhaps that was not appropriate. This clearly is appropriate and I say to Deputy Fallaize and his Committee 'go now, go now, go now'. You have lost the confidence of the public.

All of you, I say, sir, I am talking of course through you, all of the Members of the Committee are honourable people they all did honourable things, this is not an attack on their integrity, they have acted with integrity, so it is not like a motion of no confidence where you are saying this committee is rubbish they should go because they have not done the job. This Committee did the job that they were asked to do pursuant to two clear States' Resolutions which was the one school two site model, but that has been cast asunder by a decision of just 16 days ago.

Again if I ever wanted to have a compliance manual drafted, my numbers one and two choices in this Assembly would be Deputy Fallaize and Deputy Tindall. If I wanted legal craftsmanship done by a non-qualified lawyer I would undoubtedly have it done by Deputy Fallaize because I can see his fingerprints all over these Propositions. We had a very simple requête and now we have got all these Propositions and why do we need them? Because what the requête said, it was looking for a viable ... look at all viable educational models. We have got the exact words we do not have to argue about it, we have got the exact words in the thing and if I have misquoted then I apologise and we can read them.

Now for the Committee to come back and say 16 days later – I am surprised that they have been able to come back 16 days later, that decision has been taken not by me but it is not a decision I would have made – but in relation to that they have been permitted to come back when there are far more urgent things to do than this ... I would also pause there to say how on earth are they going ... with this terrible virus that has overtaken our society and the world in the last few months, but particularly gained an impetus that none of us wanted to see in the last couple of weeks, how are they going to be able to get diggers in the ground anyway in the summer because they are not going to be able to get any builders over from England; they are not going to be able to get any engineers over from England?

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

**Deputy Ferbrache:** Is this a point of correction?

**Deputy Fallaize:** Yes that is why I said point of correction. (*Laughter*)

**The Bailiff:** He did say point of correction, Deputy Ferbrache. He said point of correction.

**Deputy Ferbrache:** Sorry, I did not hear because he is talking away from me and I am deaf. I will sit down.

**Deputy Fallaize:** Well I was talking to the Bailiff, sir, because I thought that was the way it was meant to be but...

Deputy Ferbrache is talking about not being able to get diggers in the ground in the summer. I think he may have thought that we were back in the debate of three weeks ago because the States have already decided to pause the development of the two 11-18 colleges and the Propositions that are before the States today have absolutely nothing to do with trying to restart that model and develop those colleges so there would be no diggers going in the ground at all. So he is making some very interesting points as ever but I do not think he is talking to the Propositions that are actually before the States, sir.

**Deputy Ferbrache:** Well that was probably a longer point of correction than my speech today. But never mind, it sounded longer anyway even if it was not in time.

But in respect of that, and that really echoes, that really I can see when I sit in a room and I pick up a book, I read John Grisham or I read history, I can see Deputy Fallaize, I have got this figurative image of Deputy Fallaize sitting in a room picking up a Rule of Procedure, picking up a philosophical point, dotting an 'i' crossing a 't' writing a policy letter, rewriting a policy letter. It

gives him pleasure. As I say I would rather read John Grisham but I accept that in relation to this particular very long set of Propositions that they are wholly unnecessary.

1980 Let's look at just some things that are unnecessary. You do not need a statement about the Guernsey Institute because the requête which was passed just 16 days ago said you had to look at viable alternatives including one school two sites, therefore the States have already agreed, the States are in favour of, they have made it quite clear by the tenor of the debate last time and generally they are in favour of the Guernsey Institute proceeding as soon as reasonably possible. They are in favour of La Mare Primary School being redeveloped as soon as reasonably possible.  
1985 So therefore anything that is going to contradict those agreed policies is not viable.

You do not have to look into it you do not need an *imprimatur* to say or a tick from the teacher to say we need to reconsider those because you do not, because the States have already indicated that they want those two particular issues, those two particular important education projects to continue, so you work round that, you do not look at the theoretical this could happen that could happen, you have got to live in the world of practicalities.  
1990

Now all five Members of the Education Committee are as I have said able politicians, they are all people I have considerable personal and collective respect for, but they are not the only politicians of ability in this Assembly that could do this job.

1995 Deputy Dudley-Owen offered to step up to the mark last time, Deputy Prow offered to step up to the mark; Deputy Meerveld offered to step up to the mark, I did not offer to step up to the mark but I would. I would step up to the mark if this Committee went and there were not enough other able candidates there might be too many able candidates I would step up to the mark as a member of the Education team if required.

2000 We are now – and I know my President of the Rules Committee will probably not literally shout me down but figuratively shout me down – but we are not going to have an election in June. I fully believe that we will probably have our election because of the virus etc. in June of next year. That to me would seem eminently sensible but I appreciate, and that is not being scaremongering, that is not getting people burrowing into their dark rooms; it is just being realistic, with all the other problems in the world this problem with the virus is not going to go away and it is going to have a considerable aftermath, but it is going to be the politicians of the quality that we have got in the Assembly the experienced politicians to guide us through until next June. So that gives ample time for a new Committee to get its feet under the table and do the job. It is not the two or three months that we were looking at before that I think that Deputy Queripel at one time – not in this speech but referred to in one of the public statements I saw in  
2005  
2010 Maple Reed. We have now got – in my view at least, in my mind I appreciate it is not the decision of the States yet, we have got another year.

Looking at these Propositions, why do we need them all? I know that Deputies Inder and Prow have already gone through them and I make no apology for looking at them again.

1. To agree to the continuation of the development, which is already well under way, of a single States' secondary school operating across a number of sites (initially four sites).

2015 Well why do we need that it is already indicative in what the States has decided just a couple of weeks or so ago

2. To agree that the Policy Letter to be laid before the States by the Committee... will allow the States to determine the future model of secondary... must also include any revisions necessary to the timeline and authorised budget... Guernsey Institute at Les Ozouets.

Completely unnecessary. It is clouding the issue it is just trying to be... it is trying to put difficulties and create difficulties where they do not exist.

2020 3. To agree a policy letter laid before the States by the Committee for whatever it is will allow the la Mare Primary School – again for exactly the same reason completely and absolutely unnecessary. This is where I disagree just a bit with Deputy Prow because if you give any credibility to this policy letter by voting for any of these Propositions you are taking away the fact

that it is a ... I mean with considerable respect to the intelligence and integrity of the people who put it forward, it is a load of nonsense, it is completely unnecessary, it is a waste of our time, it is a waste of our time, it is a waste of words.

4. To agree that the authority delegated to the [P&R] Committee by the States on the 6th of September 2019 to approve expenditure ...

2025 Well again nobody is going against that, nobody has said that that should be altered so why again do we need to come back and re-emphasise it?

5. To agree that the review of models of secondary education against the 'benchmark' ... of two 11-18 colleges ... directed by the States... shall be restricted to models organising secondary education in one school ... campuses ...

Well again why do we need that? The requête is very clear that anything that is viable in the sense that it is expressed which is not contradictory with the other proposals that have been well aired and debated should be looked at.

2030 6. To agree that the review of models of secondary education against the 'benchmark' model of two 11-18 colleges, which was directed by the States, blah, blah, blah, shall include all these other things. Well they should anyway. So why do we need – how many is it? – 18 little bullet points? There could not have been much on the television on that particular night when Deputy Fallaize wrote this. It must have been that Arsenal were playing a football match and there was nothing of interest to think about. So again why do we need all that because that is self-evident? If it had been Tottenham it would have been different Deputy Trott and I would have been cheering them on. (**A Member:** Hear, hear.)

2035

7. To note that many of the representations received from teachers and others in advance of the States' debate on education which led to the Resolutions made on the 3rd of March 2020 concerned issues which were only partially related ...

I think this is arrant nonsense, this is arrogant. How can we say that? How are we able to make that judgement? How are we able to say that they were misinformed, because that is really what it seeks to say in about 147 or 293 words or whatever it was in that particular paragraph. I do not mind being corrected if Deputy Fallaize wants to tell me exactly how many words there were. But it is just completely and absolutely unnecessary. That is us then telling the public and telling the teachers that they did not know what they were talking about and how dare they be so impertinent. Just going back to all that thing when guided by ideology and abject socialism that the majority of the States decided in 2016 that the ordinary people of Guernsey did not know what they were talking about when they wanted to keep the Grammar School.

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8. To agree that the Committee *for* Education shall remain in office until ... I appreciate the point it was then when it was written, it just shows how quick how things are moving on timely until 30th June 2020. I repeat the words of Justin Hayward: go now, go now, go now.

2050 9. To direct the Committee *for* Education, Sport & Culture following the review – goodness me, another long paragraph – not later than 28th April, further to note nothing to preclude the Committee from submitting a policy letter sooner. Absolutely. Why do we need to say it again? That is clear from the requête.

10. To direct the Committee for whatever it is, as expeditiously as possible, to draw up a plan for stakeholder engagement – well, shouldn't they be doing that anyway? That is part of the requête. Why does it need a States' Proposition/Resolution to do that because that is part of the job that they were given to do on 3rd March?

2055

11. To agree the cost of pausing the development previously agreed are estimated to be up to £2.5 million. In good faith Deputy Fallaize told us that last time and he also said that depending on the length of the delay it could be up to over £11 million, if I remember correctly. Well I accept that so why does it need that again? We know that, that is what we were told last time, we made the decision on 3rd March knowing that the costs were going to be at least £2½ million and possibly more for a delay in the review. So what is the purpose of that?

2060

12. To note that pausing the development of the two 11-18 colleges previously agreed by the States and the consequential effects... will result at least in the deferral of revenue savings ... etc.

2065 Well again, that was all aired and aired in some considerable detail as you would expect from  
our good friend Deputy Fallaize in a very interesting speech that he made or very interesting  
number of speeches that he made last time. He made that point time and time and time again. So  
did Deputy Roffey, so did others. So why do we need to come back on the 19th March when we  
have got so many other things to talk about and concern ourselves and as the Bailiff has said  
most of the business of the States is done in committee with something that is wholly  
2070 unnecessary.

All of this is unnecessary. It reminds me Deputy Inder was talking about his granny in the game  
and the best of three, the best of five, the best of seven. I am so old that I can remember  
professional wrestling on the television when Kent Walton used to bring it on a Saturday  
afternoon. I was all a farce, you had Mick McManus, you had Jackie Pallo, you had Giant Haystacks  
2075 later on, and it was the best of what, three falls, three submissions and a knockout. That is exactly  
what this is. This should be knocked out. It is nonsense, it is rubbish, it is a waste of our time.

**The Bailiff:** I will go along the line: Deputy McSwiggan, then Deputy Merrett, Deputy Laurie  
Queripel.

2080 **Deputy McSwiggan:** Sir, since we are talking about a waste of time and a waste of words, I  
want to thank Deputy Ferbrache for demonstrating what that looks like, because if none of this is  
necessary what exactly is the problem, why are – to borrow a phrase Deputy Prow used in  
correspondence about this – the requérants protesting so much?

2085 I think of the speeches that were made against this policy letter Deputy Inder's was creditable  
because he said look we went through all these Propositions in debate just a couple of weeks ago  
and effectively the Committee overplayed their hands they held out on so many reasonable  
compromises that they ended up losing everything.

2090 I completely recognise the frustration and then the frustration at being asked to come back  
and re-address some of those reasonable compromises. But those compromises ... what we did in  
those four days of debate was to try and find ways of getting closer together and at that time the  
question of being able to maintain one school on two sites and progress towards a conclusion of  
something actually deliverable was still on the table. It is not on the table now.

2095 What is on the table now are the Resolution that we made on the requête or that half the  
Assembly made on the requête and it was a requête that Deputy Ferbrache himself two weeks  
ago told us was a load of rubbish and he was only voting for it grudgingly so in the spirit of  
consistency let's recognise that something needs to be done to build on the outcome of that  
debate.

2100 If I were one of the requérants and I was thinking about wanting to be on the Committee *for*  
Education, Sport & Culture and wanting to deliver the review that we know is now going to be in  
train, I would be grabbing these proposals with both hands, I mean set aside the one about the  
Committee itself remaining in play. These proposals give us, give shape to what the requête was  
asking for; they give a meaningful scope to the review. We are saying to the community at large  
this is what the review will involve and this is what it will not. We are drawing out all those  
2105 amendments that Deputy Inder referred to that look like they could build a consensus within this  
Assembly once the two school model was off the table.

I do not know if it was a desire to reach a constructive solution or just complete debate  
???[15:22:33] last time we went through this but there were many of us in the Assembly who  
wanted to come out of it with a clear way forward for secondary education. We knew that the  
requête alone did not offer that, but we were willing to accept that there were models other than  
the one school in two colleges model that might. So in a sense this is distilling the best of what  
was left by the end of that debate. It is drawing out the bits of it that we thought we would be  
2110 able to compromise around.

2115 One the one hand some of us wanted the requête and the requête only and others of us were holding on quite desperately to the being able to deliver the one school in two colleges model.

Now that we know what is on the table and what is off this allows us to make the best of what we are left with.

2120 If it is the case that, as some States' Members have said, these proposals are redundant because that is how the requête would be interpreted anyway, then fine, there is no harm in voting for them. I think actually there is a lot to gain in voting for them because they allow us to give a very clear way forward, and I think it is in everyone's interest to say this is the way forward that we have agreed on. This is what we are going to be doing and we want to work together with you to get to that end point.

2125 I thought it was deeply unfair to castigate Deputy Fallaize for having his fingerprints on these Propositions in the policy letter. Of course each of us if we were writing this policy letter might have written it differently to the way that Deputy Fallaize did. The fact that he and his Committee have been so involved in the development of the proposals that they are bringing to us that they own them and they believe in them is not something that we should be telling them off for that is quite a commendable trait in a States' Member really.

2130 So with that in mind I am going to support the whole set of proposals including the motion of confidence or no confidence as Deputy Lester Queripel called it in the Committee. But one way or another these proposals offer us a much better way forward than we are left with if the requête alone is in play.

2135 Does Deputy Inder wish me to give way? I will do so.

**Deputy Inder:** Deputy McSwiggan, thank you for giving way.

2140 This is a genuine question to her and I am not going back over old territory more than that, but as someone who led a motion of no confidence in a previous Committee who did not believe, because of I suppose their political colour, that they could deliver a non-selective system, why would she have a different line, when a Committee has actually already told us that they have no intention or certainly one of the red lines – and Deputy Graham has just stuck his hand up and agreed with that – that they cannot deliver two 11-16 colleges and 11-18 college? Why is there a different type of confidence from a previous Committee to this Committee?

2145 **Deputy McSwiggan:** Okay, that is a fair question and I toyed with bringing up the fact that I had brought that motion of no confidence in the past because I would have said to the requérants actually what you want is a motion of no confidence in this Committee and what the requête and the sursis motivé and the attack on these Propositions is a motion of no confidence by the back door and I would call on Members if they want a motion of no confidence to bring a motion of no confidence and to take the pressure that comes with that.

2150 But there is also – I am going to try and answer Deputy Inder's question as sincerely as I can, recognising that if I were in the shoes of the Committee and we had had the debate that we had had a couple of weeks ago I personally would have struggled to stay in post, anybody who has served with me on the Committee for Employment & Social Security knows that the first thing, I do not think I can cope with this, I am going to walk and usually we are ... well, always we are able to come to an understanding that means we can work together even if we have to agree to disagree. So I have a resigning streak this wide and I have been very lucky to work with a gracious and understanding Committee who usually let me get past that. So part of my take on it is that I am the kind of person who would resign quickly, but we have also talked about a couple of different situations where committees have either said they cannot remain in post or been asked not to remain in post.

2160 We talked just before about Deputy Roffey stepping down from SACC when SACC had to implement Island-wide voting and Deputy Inder has referred to my motion of no confidence following the decision to remove selection. Both of those were concrete policy directions where the Committee was told to go and do this thing and it was a policy direction that was completely

opposite to what they had done previously. But there was also at the end of the last States' term a decision to hold a referendum on Island-wide voting so to put the question to the people and for the people to choose what kind of electoral system they would like to have in future.

Deputy Fallaize, who I believe was President of SACC at the time and continued to be President of SACC in this term, said I do not believe in Island-wide voting and nevertheless he credibly and I think completely fairly and disinterestedly led us up to the point of that referendum and then we got the outcome the people who did not believe in that outcome were not the team who carried on to implement it. But the process of getting up to answering that question what is the outcome that we want was done by somebody who said I do not believe in one of those options and I recognise that it is going to be a popular option but I believe I can do the job fairly and well and pose the question without biasing the question.

I think in answer to Deputy Inder's question, Deputy Fallaize has good form in terms of demonstrating that he can do this kind of work, set aside his personal prejudices and allow a decision to be made fairly and on the basis of evidence and consultation. (**A Member:** Hear, hear.)

I fully accept that the Committee might have to come back to the States with recommendations which they think are not in the best interests of the Island's educational system and at that point they may very well not be the right people to implement it, but this is a stage before that, and in fact during the debate on the requête we were told effectively that any committee could do this review, that this Committee *for* Education, Sport & Culture should not view it as a threat to their constitution. The requête was presented as not going for that fundamental issue.

I think that the Committee has provided an interpretation of the requête which is fair and as impartial as any of us are going to be and I am willing to have confidence in them to let them take it to the next stage.

**The Bailiff:** I said I would call Deputy Merrett next. I suggest we hear from Deputy Merrett and then perhaps we have a break to wash our hands, that will be just about half way through the session.

Deputy Merrett.

**Deputy Merrett:** Thank you, sir, I won't take that personally. (*Laughter*)

**The Bailiff:** It was not intended personally. I have had Members asking me when we are going to break so I am just telling them, but if you wish to take it personally it certainly was not intended that way. (*Interjections*)

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

Some of the speeches so far appear to be looking rather more at the past rather than how do we build the future. So how do we serve our children and young people which I believe has to be at the heart of this?

So after the debate on the requête I felt I needed more clarity of the intent and maybe that does answer some of Deputy Ferbrache's comments as to why perhaps they are quite so detailed as they are. Do we need some consistency, do we need the same Members in place or do we need different Members in place, is it about building confidence and communication?

But when some Members have spoken so far it feels rather like dipping my toes into the vast cold and dark sea of social media rather than being in a parliament. Now mud-slinging is not something that helps anybody and it certainly does not help our children and young people. I am surprised I had my screen on in front of me, sir, because I am as you know proxy voting for Deputy Hansmann Rouxel but even during this debate we had a media release from a Deputy going out which I just find it ... we should be concentrating on what Members are saying today in debate; we should be listening to each other and trying to hear each other's perspectives.



But saying that the policy paper and there is an element of this and we need to keep things a little bit more simple sometimes and these Propositions, although in detailed clarity, at the same time I do agree there are some Propositions that I do wonder quite why we have to have them, but I will stand by the fact in good consciousness that they are for clarity and they also actually aid communication so people understand what to expect when the Committee comes back.

Now I will place on public record my thanks to Deputy Hansmann Rouxel because we did have rather a long discussion in the recess, and it was a reasonable and pragmatic discussion, it was informed and intelligence based, and we really tried to deliberate how we can move this forward for our children and young people and put them first before all this political mudslinging backwards and forwards which honestly it does not serve our community very well.

Now my biggest concern, sir, is about confidence and communication and so I will speak to Proposition 8 because my confusion or my concern, sir, and I will listen to Deputy Fallaize when he sums up is that and this is where I can resonate with what Deputy Ferbrache said, the confidence, the communication, the engagement has not helped the Committee *for* Education, Sport & Culture I am not saying the mudslinging is right or is wrong or the counter ring we have had constantly, sir, he says this I say that, she said this he did that, it does not help anybody it is like being in the playground it does not help anybody, it certainly does not help our children and young people.

So the choices, sir, if I do not vote for Proposition 8 we have heard from ... in fact I am absolutely correct in this fact that I asked in debate on the requête who would be willing to stand for the Committee I do believe Deputy Meerveld, Deputy Lester Queripel did but Deputy Dudley-Owen did not respond to me, I think she may have responded to the media on the steps outwards outside the Chamber but she certainly did not respond to me or in debate. Okay, if it is confidence we are concerned about, if it is engagement and communication ... but then of the Deputies that put themselves forward so far, one was Vice-President and resigned over a campaign funded I believe by the taxpayer but not I believe clearly given permission from Education, Sport & Culture at the time – he resigned over that. The second Vice-President who also would like to now go on the Committee resigned because a model that was then given us by the Committee they could not agree with, so I believe that is why they resigned. So it does bring me out of the frying pan into the fire scenario.

If we decide to vote or not vote on Proposition 8 then we really need to fully understand and certainly consider the Members that could replace this Committee, and I have concerns over that. I mean clearly I think that is only reasonable to do that.

I do think the politics has overtaken what I believe should be the absolute main heart of this and that is trying to deliver an education model that serves our children and young people. I am disappointed by that, I am embarrassed by it to be honest, as a collective member of this Government.

But in Proposition 9 it does say that they will return not later than 20th April but of course if this States' term is extended I would like to understand what that could potentially mean, because I think part of the requête was to try to have some, I use the words, viable models because that was in the requête back before the election in the hope I think of the electioneering platform of I will support this model and so therefore people may vote so that this is the model so that is a good indication of what our community wants, but clearly if this States' term is extended that is not going to happen and I think that is an expectation from our community, so that does concern me.

Proposition 10 does talk about engagement and I am pleased it does. I did discuss this with Deputy Hansmann Rouxel over lunch recess because it is about stakeholder engagement and it does appear that peoples understanding of expectations of engagement are different, so we have engaged, we have listened, we have understood but we cannot agree and agreeing to disagree respectfully and understanding other people's concerns and listening to them but not necessarily being able to change or flex with that either because of the envelope, the cost envelope or because of direction set by the States. Sometimes unfortunately no means no and we have to

agree to disagree but we have to find a way forward. But the way forward really does – I will go back to those people again, our children and young people – have to serve them.

So I am trying to find a solution I am trying to be constructive, I am struggling – I am struggling particularly with Proposition 8.

I will listen to the summing up obviously to see what is said. I do think this policy paper what it does try to do and I can see what it is trying to do. I think it is too complicated it could have been a lot simpler, but I do believe it is trying to give some clarity and consistency, trying to give some communication, trying to really enable us and our community to understand what it is that Education, Sport & Culture whoever they may be – because remember if this passes whoever the next Education – if there is then a motion of no confidence, which by the way is a far more open and transparent way of doing things than voting just against this, and if you believe you want to do a motion of confidence, please Members, do it, let's debate that, but we are not debating that today. If this passes I do think it gives more clarity to what it is the community and this parliament, us, Members actually expect to be delivered.

I do appreciate the clarity on models ... I was expecting an amendment, sir, because if there are other models and we are not even having the right conversation again because the models are about bricks and mortar again but still Proposition 6 does then pull it out in more detail about the quality of education.

I think they have tried to do their best and I absolutely respect them for that. I do not know if they – I am talking about the Committee *for* Education, Sport & Culture – I asked Deputy Fallaize this in debate on the requête, sir, the response he gave to me on the requête and I will paraphrase is well when we have got this passed we will have more officer resource to enable us to engage and communicate more widely and more broadly. I think that is what Deputy Fallaize said, he is giving me a nod, so I think I paraphrased that in a few less words than potentially Deputy Fallaize might have done.

So that is what Education, Sport & Culture are trying to do in this policy paper, I thank them for turning it round so quickly I certainly do not think we should be criticising them for burning the midnight oil of that.

I will finish now, sir, because I know I did pay heed to your words earlier. I am not sure if I am in *Groundhog Day* or if I am in grounded down day, that is how I feel. So I will listen to the summing up and I would implore Deputy Fallaize when he sums up to really explain how he believes this Committee as currently constituted can try or can even indeed get back the confidence from our community. For clarity, sir, our community, it is teachers, it is parents, it is grandparents, it is students, it is as wide as this parliament, it is a wide broad group that we need to try to bring back on board with the confidence in this Committee.

Personally, sir, I have confidence in the Committee. I believe they have the integrity and the ability, the aptitude to deliver this, but they have got to bring the community with them and that is the bit, sir, that I would really like Deputy Fallaize to major on, I should say, when he sums up.

Thank you.

**The Bailiff:** Thank you.

Well, we will now take a break and I do ask Members to come back reasonably quickly.

*The Assembly adjourned at 3.41 p.m.  
and resumed its sitting at 4.00 p.m.*

### **Review of the Structure of Secondary and Further Education – Next Steps – Debate continued**

**The Bailiff:** I will call next Deputy Laurie Queripel.

**Deputy Laurie Queripel:** Thank you, sir.

Sir, a very tangled web has been weaved around this issue and I think we all have to take some responsibility for that in one way or another, I am certainly prepared to do so.

2315 Now, in regard to this policy letter, there are lots of comments one could make or lots of questions one could ask, but early doors, or from the outset two possibly three occur to me, and I wanted to speak quite early because I would like Members to consider these questions and try to answer them if they can, the ones that have not spoken yet, especially I would like the Education, Sport & Culture Committee to consider these questions and especially the requérants to consider  
2320 these questions because personally speaking even though I on balance voted for the requête, I am one of those Members of this Assembly that was kind of caught up in the middle of this situation.

I did not feel that strongly either way but on balance I came down on the side of the requête, but there are clearly strong feelings on either side. Understandably the Education, Sport & Culture  
2325 Committee feel very strongly about the model they put forward they believe in it, but it also seems to me that in particular the requérants are strongly opposed to it.

So with that in mind I would like us to consider this question first and foremost. Is it possible, whether it is the existing Committee or a new Committee, to put together a five-person Education, Sport & Culture Committee, all of whom are entirely neutral or impartial in regard to  
2330 secondary education school models? Is that possible? So can we all just think about that for a second and particularly the people that feel strongly about this issue on either side. So is that possible?

Now, as a supplementary point or question to that, the next one I would ask is, let's say that the Education, Sport & Culture Committee resigned and the new Committee was made up largely  
2335 of requérants. If after all the analysis was done, if after all the research was done, and a conclusion was reached and that conclusion said that actually all things considered the two college one site model is the best model, would that new Committee made up of largely requérants be able to bring that to the States and say this is the best model and this is the one that we recommending to you? So can Members also think about that question, please.

2340 Now, I have said two or three, but there are more questions occurring to me as I speak. So this question probably could be for the existing Committee or a new Committee but I would like the existing Committee in particular the current Committee to think about it, especially Deputy Fallaize.

When this next policy letter comes to the States bearing in mind that all this analysis and  
2345 research will have been done that policy will no doubt contain information on all the models that have been considered, but will that policy letter be constructed in such a way that those models are presented as options to be voted on? I quite like that idea. I quite like the idea of having a choice. So we will have all the information in regard to the models, but I would like to see recommendations that allow Members or States' Members at that time to make a choice in regard  
2350 to the model they would like to see taken forward.

Now, speaking for myself, if that policy letter came forward and the Proposition said actually Proposition 1 is the two college one site model that is the very best model, but it said narrowly behind is the three 11-18 colleges in the spirit of pragmatism and compromise, bearing in mind the views of our community and the profession, I would probably vote for that one. I am going to  
2355 say that now hand on heart because that is probably what I would do. So I think it is important when that next policy letter comes to the States whoever is going to bring it they give the States of that time options to vote on. So not just for the sake of comparison but options to vote on.

Now the States at some time have to make a decision, that is why I do have some sympathy with the Committee bringing this policy letter. They are trying to structure this process in some  
2360 way that we end up with –

I give way to Deputy Merrett, sir.

**Deputy Merrett:** Thank you, Deputy Queripel, for giving way.

2365 Would he not agree with me, sir, that I thought the States had made a decision on this on two occasions?

**Deputy Laurie Queripel:** No because the requête has superseded all that, so really that is of no relevance now, I don't think. We are in new territory now as far as I am concerned. It is the requête that is now the live motion that is in play and now of course this policy letter.

2370 But as I said I can understand why the Committee have brought ... looking for some structure around the process that they have to engage in.

2375 But my other concern is now that we find ourselves in this extraordinary situation with the coronavirus, bearing in mind hopefully that will not get any worse and we are trying to manage it in such a way that it will not, but bearing mind that it might, I just wonder how practical it is for this all-encompassing comprehensive consultation to take place with all parties with all stakeholders. There might be a way it can be done electronically but I do not think that will be a very satisfactory process. So, I think that it is going to have to be to my mind a better process than that it is going to have to be meetings people getting together, large working groups etc. etc. So how can that process of wide consultation be managed bearing in mind the situation we now find ourselves in? So that is a difficult one I think for everyone to consider, that might bring about delay itself.

2380 But the other point is this, sir, in regard to that consultation this is why I say I am a pragmatist I came down on balance on the side of the requête but at the end of the day we have been elected by the people of Guernsey yes to listen, yes to represent them, but we have also been elected to make decisions at the end of the day, and at some stage the States have to make a decision.

2385 My concern is this, after this all-encompassing comprehensive consultation process what about if the result of that process is 49% of stakeholders can come down on the side of one model that still does not represent a majority, that means 51% are against that model, so where do we go with a situation like that? What about if actually a model comes to the States that has been most strongly supported but it still is not supported by the majority of stakeholders, where do we go then? What would the requérants say about that? Because at some stage as I have said we cannot go round and around all the time we have to make a decision eventually. So what would happen then?

2390 Sir, I have raised a lot of questions and points there. I am not sure there are answers to all of them but they are just things that have occurred to me and whether they can be answered satisfactorily or not we have to find a way to steer our way through all of these things. So I just throw those points in for consideration by Members before they speak after me.

Thank you.

2400 **The Bailiff:** I call next Deputy Roffey.

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

2405 I have to say, I do regret the need to talk education again after the four days that were spent not long ago, and I had almost lost the will to govern at the end of that, but having gone away straight after that, I think that the Committee felt they needed to come back for a brief focused debate for four things, clarity, budget, a realistic timescale and confidence.

2410 Sir, Deputy Inder said this was all about a rematch, or best out of three or best out of five. It is absolutely not, absolutely I respect the outcome, I lost the debate on the requête, I wanted the requête to be defeated and it was passed and I do not want a rematch any more than a sort of rematch in 2001 when I lost the debate over selection against a comprehensive system.

Deputy Inder says that actually a lot of the proposals here look similar to some of the amendments that were put in the last debate and yet no Members of Education voted for them. Well of course we did not, at that time we were really hoping to get on with implementing what had been the approved policy of the States because we felt it was in the best interest of Island

2415 youngsters to do so and do so in a timely manner, so of course we did not vote for amendments that were going to delay that, and delay it considerably.

But the landscape is totally different the States made a clear, narrow but clear decision that that is no longer their approved policy their approved policy now is to pause that and to consider it against other models, and I absolutely respect that and have not done anything to try and subvert it and nor would I. Committees are the servants of this Assembly they are not here to ignore this Assembly. Sometimes they may not think the Assembly has got it right but that is neither here nor there they have to implement it or get out of the way.

2420 Deputy Prow said just get on with it and yes I would have preferred to just get on with it and not come back with this, but as I say when we looked at it, it was frankly as clear as mud to us. So we wanted clarity and we wanted clarity to be honest I think we have taken enough stripes across our backs over the last few months to know that if we came back having looked at models which were not exactly the ones that this Assembly wanted we would have just got castigated why did you not look at this why didn't you look at that, and equally if we had looked at about 17 models to make sure we had got them all we would have been told that we were wasting time and wasting money. So we needed that clarity.

2430 Of course we have included models that were put forward in amendments that we voted against because they seemed to have a fair degree of political currency in the States, none of them were actually passed as a preferred model but they seemed to be the ones that had a significant amount of support. But if we are wrong just tell us we are wrong, if any of the models we are suggesting in here you do not want looked at delete them. If any model you think should be included that we have not included insert them, all we are asking for is crystal clarity so that we know the job we are going to do is the job that this Assembly wants us to do.

2440 Sir, then we need budget. Deputy Ferbrache said we had already said it was going to cost a lot of money so why are we saying it again. It is no good just saying it is going to cost a lot of money if we are going to expend that money we need budgetary provision to do so. We are not permitted to expend money without budgetary provision. The requête unfortunately did not make that budgetary provision so we need to have that made in order that P&R release that money for us.

2445 We needed to be honest about timescale. Now events have rather overtaken this but actually one thing where I thought at the time Deputy Inder was right was that the original requête's timescale was utterly unrealistic, the timescale that he tried to insert by amendment which was basically to take a year was really challenging but could be done. Of course with the events of the last few days I do not know what is a realistic timescale anymore, but when we laid this policy letter it was with the aim of getting a challenging rapid but doable timescale.

2450 Then there is the issue of confidence. Sir, I am not precious if I am not the right person to discharge the will of the Assembly. I have to say there is a big difference between this and my role on SACC. On SACC the Island referendum came to a definitive decision about the direction we were going and said that is what we want implemented I have actually never been against Island-wide voting *per se* but I was not an enthusiast because I saw too many practical problems with it, and I thought it was best that enthusiasts once a decision had been made that is the direction we are going in that is our destination it was better for enthusiasts for that project to take it on. But actually up to that point in considering the various options in organising a referendum I was happy to stay in place and do that – I think I did quite a good job of it actually but that is neither here nor there in the context of today – and that is the point we are actually at, at the moment;.

2460 We are at the point of considering and appraising and looking at a number of options. Fine.  
Now, it can be said but surely this lot will not be able to do that in a dispassionate and even handed way because we know the way they feel. If it was going to be a political process that is true but it would be equally true that if we stepped down and say four or five of the requérants took our place that would be equally an impossible situation for them in a different direction.

2465 I was attracted I have to say on the days after the debate and the vote on the requête to go in for something I think Deputy Laurie Queripel has mentioned, it is actually trying to find a broad-

church Committee and actually have representatives of a number of different views and I told Deputy Fallaize that I would – I was going to say happily, that is not the right word – I was willing to step down, to be one of the people that stepped down to make room for people of a different stripe in order to make sure that there was a balanced view on that Committee and I understand that Deputy Fallaize following that offer by me and another Member put out some feelers to see whether that was something that some of the Members of the requérants might want to do. Nothing came of it.

Sir, then I thought should I just resign anyway? Should I just either just resign and go and then be told I have thrown my toys out of the pram, or should I resign and offer myself for re-election, in which case I would be told I was a prima donna? But knowing that we had to bring back the question of timescale, clarity and budget anyway, it seemed to make sense to just ask the question, do you have confidence in us as the Committee to take this forward or don't you? I am perfectly willing to live with the decision whichever way.

There were one or two other things we needed to put in. I am stunned to hear one or two people saying that it is the whole one school concept that they are against. I mean I think really from the Mulkerrin Review onwards there has been no other logical direction to go in. The local management of schools are we really going to have four boards of governors, do you think we are going to find the talent and the ability to – maybe we will – but even if we did if they were acting separately and not together.

There was a lot of support for three 11-18 schools, I think again Deputy Queripel said that might be his compromise, or somebody did. Well, the pinch point there would be at sixth form and that could just about be worked around if it was one school in three colleges because they would be closely federated they would be able to share their resources and actually act in a way that makes that sixth form work for relatively small colleges, whereas if they are entirely different schools with entirely different sets of staff and different leadership teams so they are not federated and sharing that then it clearly cannot work at all.

Sir, I am not going to go on and I really hope that we are not going to have a huge long debate about this. If you want me gone, I will be gone. If you want me to stay, please just give me clarity about the work you want me to do, because I am sorry, requérants, I went out and it was not clear and what is the harm in just checking, just coming back and say is this work you want done or is it something a bit different, in which case tell us?

That is what this is about today and I do not think a long debate is going to change anybody's mind. Proposition 8 is sort of subjective; the others are more just really looking for clarity.

Sir, I hope we can move to the vote certainly by the end of today because there are other things and perhaps more important things – not more important than education but more important than whether it is this Committee or not that does the job to get on to.

**The Bailiff:** Deputy Meerveld, then Deputy Green.

**Deputy Meerveld:** Thank you, sir.

I would like to address Deputy Laurie Queripel's very good questions actually regarded from a requérants perspective obviously I cannot speak on behalf of all requérants without questioning them but I am sure they will be happy to submit their comments as well. I will not take them ... I think there is a more natural order to take them in, so I will go ...

One of the questions was could a Committee formed of requérants or other people than the current Committee recommend the two school model if it proved to be the best option? Whilst I would probably say I am the least neutral of certainly the lead requérants if I was presented with a convincing argument that a two-school model could work and would produce the best outcomes I would swing to that, I am a logical person, I am a businessman, I would take a practical approach to things and I would go ... although I must say as I said when we talk about neutrality when I answer that question, I would say certainly of the three lead requérants and I am certainly the least neutral I think strongest in my own views. But certainly Deputy Dudley-Owen, who I have

2520 obviously worked very closely with both on the Education issues and previously on the Education Committee, is one of the most neutral people I know. If she were to chair this Committee you would have somebody who would truly take on board all the issues and I think she would be the perfect person to do that.

2525 Also we have other people like Deputy Ferbrache who has already said he would be willing to join with a group of people to manage the poisoned chalice of education and try and take it forward, so I think you could find within the Assembly people who are not hard and fast on either side of the argument who would be willing to take up the challenge of taking this forward as a more neutral group and one that hopefully could build a better relationship with our education professionals, the unions, etc. and also all of the public, parents, teachers, etc. who have obviously I think lost trust in the existing Committee.

2530 As for the question about what happens if you go out and you do consultation with the stakeholders which is a requirement under the project development guidelines of the States and you come back with results that are not definitive, it is 49% in favour of one and 51% or 49% of another, the fact is you probably would come back with a number of solutions favoured by different groups with not one of them having any majority. Well then, I would say, at least you are now making an informed decision. At the end of the day as Deputies we are elected to make those tough decisions and often to make decisions which a majority of our population may not like. If we decide we have to raise taxes as has been suggested by P&R I can guarantee most of the public will not like it but we might have to make that decision in the greater good. Equally with the schools I do agree that there are a lot of opinions of what would be the best model but  
2540 the point I have always made –  
I give way to Deputy Inder.

**Deputy Inder:** You make an interesting point there, Deputy Meerveld.

2545 Would you agree with me that 51% against something is much better than 88% against something; we get closer to a decision that is manageable?

**Deputy Meerveld:** Yes, I would agree with that statement, but also I would also say that you have got to ask the questions to know what the percentage is, and the sursis that myself and Deputy Gollop laid earlier would have required the Committee to go away and consult with the stakeholders, starting with the teachers and support staff in the secondary sector and then other key stakeholders in accordance with the States own guidelines of methodology for doing so, and then come back to the States so we can make an informed decision with all of the numbers in front of us the percentage who favoured each model and potentially other models.

2550 Deputy Roffey just made comments about oh well, one school on two sites' management structure, surely that is the only game in town. Well, I do not know, we have not asked the professionals, the teaching professionals whether or not that is a management structure they believe will produce the best outcomes for our students. There may be other models that would be suggested.

2560 The whole point of the sursis was to say before we even consider these questions as laid in this policy letter we need to go and ask questions of the stakeholders get them involved in the process, get their feedback, know what their views are, look at the numbers, and yes it will probably be 30% here, 40% there, and another percentage somewhere else, but at least then we can make an informed decision knowing what they want rather than going back to what we discussed for four days just 16 days ago designing an education system on the floor of the  
2565 Assembly without consulting with the key stakeholders and getting a clear view of what they want.

So that I think hopefully answers the majority of questions, I will give way if I have missed anything. Deputy Queripel is nodding assent so I presume I have covered his questions from my personal perspective. I am sure the other requérants will be happy to add their views as well.

2570        Going back to the sursis and I will touch on that and my disappointment that this Assembly decided not to debate it for the reasons I have just given I believe we need to go out and consult the stakeholders, we need to rebuild the trust between the stakeholders and whichever Committee is in position to take this forward and that sursis would have achieved that.

2575        But I am disappointed and there is an issue of process here I believe in the way the Rules function because I am not quite sure we ended up with this policy letter being debated today, according to the Rules for submissions it should have been submitted prior to 10th February to be on 18th March debate. In fact it was published on – I have got the date written down here somewhere – it was published on 11th which was the day after the deadline for submitting a sursis or amendment without requiring a suspension of the Rules so it was impossible –

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

**The Bailiff:** Deputy Fallaize.

2585        **Deputy Fallaize:** Sir, Deputy Meerveld is saying that the policy letter was not submitted in accordance with the Rules of Procedure and has not been laid before the States in accordance with the Rules of Procedure but that is not so, it has found its way to the States at this meeting via Rule 2(4) which is perfectly in accordance with the Rules of Procedure.

2590        **Deputy Meerveld:** I would like to correct Deputy Fallaize's point of correction. I said I did not understand how this had made it to the States and considering we are supposed to have Rules that require policy letters to be submitted well in advance so that, guess what, stakeholders can be consulted on them –

2595        **Deputy Inder:** Point of order, sir.

**The Bailiff:** Deputy Inder.

2600        **Deputy Inder:** I wonder if – I am not entirely sure that this has got much to do with the debate and whether he does not take it up with the Presiding Officer later on.

**Deputy Meerveld:** I am not quite sure how that is a point of order.

2605        But I will continue. Anyway the fact is that I am disappointed, I think it is unreasonable of this States and undemocratic to not allow the sursis to be debated, considering it was from day one impossible to actually submit a sursis or an amendment to a policy letter because of the time constraints and the Rules and the way it found its way to this Assembly.

2610        But going beyond that at the end of the day we are under constraints at the moment, we are in a crisis situation, we are trying to push through issues and address them as quickly as possible and we are trying to focus the resources of the States etc. but that is no excuse for making bad decisions, uninformed decisions. My whole issue with this policy letter is the fact that I believe it does go back and try to ... I do not believe it clarifies the requête, I think it is more designed to subvert it and that is my opinion.

I also find it very interesting that a Principal Committee has to seek such detailed clarification from this Assembly on the direction to take, that they seem incapable of doing it themselves.

2615        I also find it interesting in that Proposition 10 in their policy letter they are going to design a process of engagement with the stakeholders. Well hold on a second shouldn't they have done that two years ago. Shouldn't the stakeholders have been brought along in the process or if my sursis had been debated and been successful, shouldn't they have got the opinions of the stakeholders and presented them to this Assembly before they asked us to determine the issues in Proposition 5 of their policy letter, which asks us to select models to compare against designing a system of education on the floor of this Assembly without having the feedback from the

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stakeholders and the professionals? Or for that matter Proposition 5, benchmarking against the two school model – what two school model? The two school model does not exist. *(Interjection)* If you are going to benchmark against something – there is some consternation in the room; I will repeat that – the two school model does not exist. It has not been implemented, we do not know what results it is garnering. If you are going to benchmark against anything, you would benchmark against the known quantity of the four school selective model and you would benchmark all models against that because not only does the one school on two sites model not exist, it has been morphing and changing by the day over the last few months – certainly it is not what was sold to this Assembly two years ago, certainly it is not what this Assembly voted to fund in September last year. It has been changing by the day to try and reactively address the issues being raised by stakeholders who have never been properly engaged with in the entire process.

So the benchmarking issue ... a lot of the questions and other things the criteria set out in Proposition 6 ... Let's take a look at that ... Yes, again, benchmarking: you have got set criteria – sorry, I will not be giving way – we have a set of benchmarking – you have a set of criteria for consideration as part of the benchmarking process. Okay, if the stakeholders get involved in that criteria selection where has that come from? How are we to know that these are the criteria we should be using to determine the best possible outcomes for our young people and to design an education model? I am afraid I do not know, and certainly I would have liked to have had the teaching unions and the teachers involved in deciding the criteria we should be comparing against.

Let's go for Proposition 7 which basically acknowledges that some of the issues raised by opponents to the one school and two model revolved around space rather than educational issues, yes I acknowledge that, but actually the issues revolved around a lot more, there were a lot of issues out there raised with us as Deputies by emails in conversations with professionals. We do not know what all the issues are. Why? Because the stakeholders were never engaged with properly two years ago and ongoing to this date in the process as specified by the States' guidelines on developing a project of this significance, so we do not know. Again we are being asked to make decisions on the floor of this Assembly with no information from the key stakeholders involved in that decision making process, which to me invalidates everything.

Now the fact is we would never ... If you look at this from a project perspective, how could we possibly expect any project to succeed when 70% or 80% of the people responsible for implementing it have come out very vocally against it? They are the people who will be managing and running on a day to day basis, it is human nature to turn around ... for individuals to use every failing or every hiccup in the implementation of a project like this, of which there will be may, regardless of what model is done, and say, 'See, I told you so,' to have a negative view, possibly to even contribute to the problems of that implementation. If you are ever to successfully implement a transformation project like this you have to bring the stakeholders and the people actually working in that model along with you.

A prime example is HSC. Deputy Prow has told me in some detail about the lengths to which our Health Committee is consulting with stakeholders in the transformation of their health service, and the fact that it slowed down the implementation, it has caused a delay in the implementation of that process because that engagement is time consuming and at times difficult.

**Deputy Tooley:** Point of correction.

**The Bailiff:** Deputy Tooley.

**Deputy Tooley:** I believe that Deputy Meerveld is misleading the public I do not think that is the case at all and I say that as Vice-President of Health & Social Care.  
Thank you.

**Deputy Meerveld:** I could not actually hear what was said due to the acoustics in here, but anyway I will continue. (*Interjection*)

2675 I will take that under advisement.

Okay, so well, put it this way, if they are not consulting with their health care professionals, then I would be very concerned about that transformation as well.

2680 From other Committees, would the Home department go and change the way we enforce the laws and change the structure of the Police Force without consulting with the professional policemen and the Police Force about how they run those operations and how changes to the operations would affect the effective policing of our community? You would not.

2685 Policy & Resources have told us numerous times we need to make informed evidence-based decisions. Again where does not communicating with the stakeholders, not asking their opinions, not gathering that information, not presenting that information to this Assembly for consideration alongside the policy, how can this possibly be called an informed and educated decision based on facts and information? It cannot be.

2690 Unfortunately when you look at all of these huge failings, I have decided I have changed my position. After the debate that ended just 16 days ago I was, along with other requérants, happy to see the existing Committee proceed with the direction given and to trust in their integrity to be able to even-handedly approach the direction given to them by the States. I now have no confidence that that is the case. This policy letter is evidence of that. The failure to engage with stakeholders and bring them on board and all the other political machinations and interesting manoeuvring I have seen going on bring me to the conclusion that I no longer have confidence in this Committee and whether it be a committee made up of requérants or the proposal from Laurie Queripel, a more balanced committee formed which may include some of the existing Committee, then I am afraid that is now what I believe is needed, if we are going to take this forward – particularly as we are now looking at almost certainly a delay in the election of a minimum of six months and more likely a year. If we want to progress this and we want to win back the trust of not just the stakeholders but the greater community as well in our efforts to transform our education system, then I am afraid we need a new start.

2700 Thank you, sir.

**The Bailiff:** I said I would call Deputy Green next. Deputy Green.

2705 **Deputy Green:** Sir, thank you very much.

2710 When we debated the requête two weeks or so ago I was robbed of the opportunity to speak in general debate on the requête because of a guillotine that was moved very late in the day. I am not going to give the speech I would have given there at that point, but in the end I did support the requête two weeks ago or so, having previously supported four pragmatic compromise amendments before we got to the point where it got to the point where it was either support the requête or reaffirm the two school model.

2715 Sir, I look at this policy letter and I think I do believe that it does seek to put some shape, governance and a proper budget around the process. It does provide extra clarity from what we had previously and a certain degree of structure is certainly on offer here.

Like others, I do not question the integrity of the Committee on this subject matter but I do think potentially there is an issue of perception and I just want to tease out this particular issue, because moreover I do wonder whether a genuinely objective and impartial review can or will be possible given the Committee's genuine and strong belief in the wisdom of the one 11-18 school over two sites.

2720 Now Deputy Fallaize when he opened this debate referred almost in passing that his Committee are looking at ways to ensure that such a review is a genuinely objective and rigorous way, and I think I would like a bit more information about that, sir, when he comes to sum up about how that might be undertaken before I vote on these Propositions.

Personally, sir, I would have thought that the Committee *for* Education, Sport & Culture will need to instruct an independent expert of some sort to do any genuinely objective and impartial review on this in the circumstances and that any external report will need I think to be published fully in terms of any comparative evaluation and analysis.

Deputy Laurie Queripel made a good point about the importance of consultation and I like others think there does need to be a very rigorous process of consultation but we have to hold the question mark there about how that is going to be possible in light of the Covid-19 pandemic that we are seeing. It does create practical issues with stakeholder engagement and with consultation so I think we need some suggestions of how that might be tackled.

I use this phrase probably far too often and it has become such a cliché but I do genuinely think Mr Bailiff that we need to find a good old-fashioned Guernsey common sense compromise solution on this. Having consulted effectively with those who need to be consulted with the most, i.e. the key stakeholders in all of this, and I think that is where we need to end up.

I thought Deputy Laurie Queripel was going to make the case for some sort of special committee of the States of Guernsey when he spoke, before I think he kind of stopped short from talking about that, but Deputy Laurie Queripel sent round an email to States' Members a few days ago putting into the air the concept of a special committee of the States which is actually an idea that I think has quite a lot of merit in this context. It was something that was used very successfully when the Social Welfare Reforms hit the buffers in the States for the second time, when the supplementary benefit scheme was being – the proposal to merge it with the rent rebate scheme. It fell twice in the States, before this concept of the Social Welfare Benefits Investigation Committee was set up and from that process eventually emerged a set of proposals on that relatively controversial matter which got through the States and it had the likes of the late Deputy Roger Perrot and former Deputy Andrew le Lièvre, politically poles apart but somehow managed to come to a consensus on what was at that time quite a controversial issue. I just wonder whether actually that is the kind of thing that we need to solve this. Deputy Laurie Queripel I thought was going to make that point, but I just want to re-emphasise that. Of course I am not laying any amendment to this to that effect; I just think that is something we might need to revisit.

Sir, I think Proposition 5 is helpful, I know it lists only three particular models but those were all matters that were before the States on the last occasion in various different amendments and as I say I supported four different compromise amendments, they were not necessarily my favourite models but all of those were rejected by the States in the end and that is why I felt I had no alternative but to support the requête at that stage.

But the three models that are listed in Proposition 5 are all obvious and credible alternative models for this. Are there other models which should be part of the review? Well possibly, but I would make the point that a States' Resolution is not a law the Committee will still have some residual discretion beyond Proposition 5 particularly if stakeholders do indicate some strong preferences for other models that perhaps we are currently eluding.

So I do not think if Proposition 5 is carried and it becomes a States' Resolution there should be an unduly restrictive interpretation of what the Committee can and cannot do. I think it has to proceed on the basis of a great deal of pragmatism and common sense once the stakeholders have been listened to and as I say hopefully that can be done practically in the context which we find ourselves.

So, sir, where does this leave me and where does that leave me in terms of voting for this, I supported the requête on the balance of factors having taken into account all of the material considerations. The requête was certainly not a perfect instrument by any means, it was quite a broad document, quite a vague document in some respects. I think on balance these Propositions do build beyond the wording of the requête to some extent. I think that is positive. I think it probably will help to facilitate a better pause and review, if you like, I do not necessarily see these Propositions with the slightly kind of tired and negative view that others have. I think this

2775 probably does take us forward slightly – more that slightly actually – to some extent beyond where we are with the *status quo ante*.

So in general terms, sir, I will probably support the majority if not all of these Propositions.  
Thank you very much.

2780 **The Bailiff:** Deputy Graham.

**Deputy Graham:** Thank you, Mr Bailiff.

I am pretty anxious not to prolong this debate any longer than it needs to be. I am going to confine my remarks just to three narrow specific points.

2785 First of all my position as a Member of the Committee over the status of the model at 5(b) it is something that seems to be exercising Deputy Inder extremely. I do recall pretty clearly my words in the debate on the requête a couple of weeks ago and that is that I would not be a Member of a team that gave time of day to a model that was so inimical to the interests of students and so blatantly so, and at its very core so cynically dishonest in claiming to be what it was not, that I  
2790 would have nothing to do with it and I retain that position and I have explained it to the Committee since that debate.

My position is this, I think this review of respective models is very much a discreet work stream for this Committee, or our replacement, and I see no reason why it should be of a political nature at all, and to the extent that it is going to be a discreet work stream I would recuse myself from  
2795 having anything to do with it. I mean there are plenty of other things to do on the Committee for Education, Sport & Culture certainly within the ambit of education and that is before we bring in the Culture and Sport part of it. So I think I could carry on being quite a useful Member of the Committee on those terms and those are my terms.

Secondly I want to respond to what I think is bothering Deputy Merrett in terms of the  
2800 confidence in the Committee and our ability really to take things on given the context that we now find ourselves in. Now let me say first and foremost I think the individual fate the fate of individual politicians and presidents and committees is of nothing, certainly of nothing compared to the interests of the students, and I hope that all of us to one degree or another have those at the foremost of our consideration.

2805 So that is not the issue in my view, but I think what is bothering Deputy Merrett because she has spoken to me about this in the margins before and that is that having lost the support of such a strong body of secondary school teachers how can we possibly be the agents for further transformation.

It is a good question and there is no denying that there is a trust and confidence issue. I have  
2810 to say goes both ways, certainly personally speaking, but it is a fact, but I think we are in pretty good company this Committee because I seem to recall even with my failing memory that towards the end of 2016 our predecessor Committee had totally lost the support of teachers on the should we stay with selection or not. Then they lost it again on the issue of particularly –

2815 **Deputy Meerveld:** Point of correction, sir.

**The Bailiff:** Deputy Meerveld.

**Deputy Meerveld:** Yes, sir.

2820 The previous Committee were split on the issue of selection. I definitely supported a non-selective model so there is no way, and other Deputies supported the selective one, therefore they could not have lost the confidence of teachers on whichever side of the argument they were considering, they covered both sides of it.

Thank you, sir.

2825

**Deputy Graham:** So they had only lost confidence in three Members of the Committee. I see, right.

But then only a year later that same Committee – well motivated and believing in what they were doing – brought a model to the States towards the end of 2017. They laid the policy letter and we debated it in January and at that stage they totally lost the support of a huge tranche of secondary and post-16 teachers.

So having a lecture from Deputy Meerveld this afternoon on the merits of engagement and getting support – a bit rich, I suppose is the term that comes to mind, but there we are.

I have to say of course by the time it was brought to the States I think he was no longer Vice-President of that Committee, having been obliged to resign over the guerrilla marketing scandal, but there we are.

So answering Deputy Merrett's point I do not think there are any guarantees that we have sufficient support or the confidence from certainly a major tranche of the teachers, but I personally doubt that any replacement Committee would be better placed and certainly not those whom we replaced.

I just want to touch briefly on what Deputy Laurie Queripel raised. I think the President will probably address this better than I will when he responds to the debate. but he asked about the prospect of having a choice next time.

By the time a policy letter comes let it not just have the results of the evaluation of the respective models, but can there be a genuine opportunity to make a choice? Of course the States had that choice back at the end of 2017, early 2018, because there was a very clear choice between the model being proposed by the then Committee and the model being proposed by the gang of four and so there was a choice of two.

I give way –

**Deputy Laurie Queripel:** Sir, I am grateful for Deputy Graham giving way, he has just made the point I was going to make: hopefully when the next policy letter comes back there will be more than two options for Members to choose from.

Thank you.

**Deputy Graham:** I am grateful for the intervention.

I think it is almost inevitable. I cannot myself bind the Committee, and it may not be this Committee anyway, to how the policy letter will be produced in goodness knows how many months' time. But it seems to me self-evident that if for example there is going to be an evaluation of currently four models, three models against the one school in two colleges model then any policy letter would have to include the results of those evaluations and I think it would be wrong to deny the Committee at the time the opportunity to express a preference but I do not think the Committee at the time would find it easy to deny the States the opportunity to choose given all the evidence that will be presented and particularly the check list of terms of reference which I know Deputy Ferbrache was not too enthusiastic about, but at least there will be some pretty clear terms of reference so that when States' Members gather, whenever it is, to make that choice, it should be an educated choice. So I cannot commit the Committee to that but who can at this stage?

**The Bailiff:** Deputy Tindall, then Deputy Le Clerc.

**Deputy Tindall:** Thank you, sir.

It is with an abundance of caution and if I may say with some surprise that I make this statement of behalf of three Members of the DPA. Despite the success of the pause and review requête and the relevant planning applications having accordingly been put on hold due to current circumstances and the remote possibility that the current Members of the DPA are involved in an OPM at any state I am required for the record to say the following.

2880 The DPA has taken legal advice on whether they can vote on the Propositions in the policy  
letter, the legal advice received has confirmed that having regard to the particular Propositions  
put to the States the DPA Members can vote provided that they remain open minded on the  
planning application and decide it having regard to the full material planning considerations at  
the time of the decision. I confirm that I and my colleagues Deputy Victoria Oliver and Alderney  
Representative Snowdon remain open-minded on the planning applications and that we are able  
2885 to decide it on its planning merits having regard to the full material planning considerations at the  
time of the decision.

Also with this in mind I ask for a separate recorded vote please on Proposition 7 as it touches  
on planning matters.

Thank you, sir.

2890 **The Bailiff:** Deputy Le Clerc and then Deputy Trott.

**Deputy le Clerc:** Sir, I was just going to ask for a guillotine motion because we have had  
enough debate.

2895 **The Bailiff:** Sorry, I had not realised that. When somebody is wanting to raise a guillotine  
motion they can always shout out that that is what they are wanting to do. I assumed you were  
rising to speak, because I know you have risen a few times.

Will those who have not spoken and wish to do so please stand in their places. I see six people  
standing, do you wish to go ahead?

2900 **Deputy le Clerc:** No, sir.

**The Bailiff:** Deputy Trott.

2905 **Deputy Trott:** I am trying to move into the modern world, sir, there we are, and read from this  
electronic communicator rather than from a paper version, I should have learned.

So what I want to do is stand to read the PRC letter of comment because it is particularly  
relevant with regards Proposition 11 in particular. It is entitled Review of the Future Structure of  
Secondary and Future Education – Next Steps.

The Policy & Resources Committee has a duty to advise, when necessary, on the policy and financial implications of  
other committees' proposals, policies and activities.

In the matter of the above Propositions lodged by the Committee *for* Education, Sport & Culture, these comments will  
not focus on the merits of each because in the main extant Resolutions already exist to provide direction; authority for  
funding of primary and tertiary education transformation programmes; or to address areas of policy on the matters  
now re-presented to the Assembly.

Separately the matter of the tenure of the currently constituted Committee *for* Education, Sport & Culture is for  
individual Members of the Assembly.

2910 That of course is a reference to Proposition 8, sir.

The Policy & Resources Committee is however concerned [and unanimously concerned] by Proposition 11:

Which reads:

To note that the costs of pausing the development of the two 11-18 colleges previously agreed by the States and  
carrying out a review of other secondary education models against the model of two 11-18 colleges are estimated to  
be up to £2.5million; and to direct the Policy & Resources Committee to make appropriate budget arrangements to  
fund these costs.'

It is noted that the scope of the review will inevitably affect how much it costs, e.g. the number of models to be  
reviewed, the level of detail required of each model, the extent of stakeholder consultation and the timeline for the  
review.

The [PRC] is of the view that the Assembly has directed a comparative review of the secondary education policy that resulted in implementation proposals for two colleges operating as one school, and not [I repeat not] the estate to support it, which should limit professional fees for this comparative review. It would expect the Committee *for* Education, Sport & Culture to compare them to a level of detail which would normally be considered reasonable to allow the States to make a strategic policy decision before requiring further development of the detail and the introduction of the reforms.

Such data should generally be available and the costs in analysing and bringing an options appraisal to the Assembly should not be additional to the budget at the disposal of the Committee which is already very well resourced through its transformation team and could be supported by the States of Guernsey Strategy and Policy, and Finance, teams.

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– should it be required. So, sir, to be clear the Policy & Resources Committee therefore does not support this level of additional expenditure, requests the Assembly vote against Proposition 11 and at that time, sir, would ask for a recorded vote.

Thank you.

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**The Bailiff:** Well, nobody is rising now, so perhaps those – they have changed their mind, no – Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir.

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As the parent of a child in Year 6 who will be directly affected by this stop and review, I really welcome this policy letter because – and I actually congratulate the Committee for bringing it forward so promptly because I think it does provide some much needed clarification on a very murky area in an expedient way.

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I was confused that I heard that three of the lead requérants or the main requérants did not welcome the policy letter, because I agree with Deputy McSwiggan I would have thought they would have really welcomed it for the reasons that she articulated.

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We have heard quite a lot that there is perfect clarity on what should be in the review but strangely every time I have asked that question of okay what should be in it, I have not had an answer and I am finding that really frustrating. I think had we had a bit more clarity from the requérants then there would not be this kind of muddiness or murkiness and I have asked the question directly on several occasions.

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I was on the radio with Deputy Dudley-Owen in fact I think it was the week before the debate and while we were on air she did say that there were only two or three viable models that could be in the review and I said it would be great if she could tell us which models they were but she did not and she did advise me to wait until the debate but between then and the debate we actually were both at a presentation by Education, which I thought was an excellent presentation, and one of the education officers was explaining that the cost and the timeline would depend on the scope of the review which in turn would depend on the number of models being reviewed. Because Deputy Dudley-Owen was in the room I took the opportunity to ask her whether the two or three models that she had in mind were any of those that had been talked through and described by the education officer, but Deputy Dudley-Owen did not give us any clarity at that point either.

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So I waited with bated breath during the debate for the big reveal but sadly it did not come then either. So every time I have tried seeking clarification on what this really clear direction in the requête is I have not been able to find it.

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That is complicated, it does have a material impact because Deputy Ferbrache said a bit earlier in this debate that it is quite obvious that anything that effects the Guernsey Institute should be ruled out, and that is all well and good, I think he correctly read the mood of the Assembly is my view on that but Deputy Meerveld was on the radio before the debate, before the debate on the requête, and he was asked what alternative he would like to see replace the one school two colleges model and he was quite clear about the fact that it should be the model that the previous Education Committee that he was on should be that alternative, so presumably he would like to see that included in the review. If that is included in the review then that does have an effect on whether the Guernsey Institute can go ahead as planned. So why is that important?

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2960 Well, like Deputy Green, I did not get the chance to speak in the last debate and I think now it is as important at the time as then to remind Members of the litany of let downs that the College of Further Education has suffered over the last few decades.

The College of FE was 50 years old last year, it was opened in the buildings of the Grange in September 1969. In 1976 the campus at Coutanchez was opened built with a 20 year lifespan. This  
2965 campus was built at a time when student numbers were much lower and was primarily constructed to meet the needs of technical and professional educational requirements of the time. Since that date there has been a recognition in many inspections that the college buildings are not fit for purpose to meet the needs of a productive and flourishing economy.

There have been numerous plans and processes started to redevelop the college facilities all  
2970 have been stalled as follows. In 1986-87 plans were drawn up and a proposal to expand the site entirely at La Coutanchez was passed; in 1995 plans were commenced to build a new college on Les Ozouets site; in 1997 there was a new block constructed because of the lack of space at Coutanchez plans for the rest of the build were stalled; in 2001 States' Resolution for plans to be progressed to relocate the college at Les Ozouets; in 2003 the master plan for the build at Les  
2975 Ozouets was completed; the Princess Royal Performing Arts Centre the first part of the build was done but the rest was halted; in 2004-2012 the master plan was delayed on an annual basis; 2007 The Performing Arts Centre opened at Les Ozouets; in 2014 the States had determined to review the old plans and new projects were commenced, this resulted in proposals and the master plan being formed in 2015; in 2016 again the States' decisions meant that all plans were then stalled.

2980 So here we are more than 50 years after the college first opened its doors and it is operating out of three campuses, two of which were former secondary schools, both of which were condemned as not fit for purpose, or not fit for education resulting in the build of two new high schools, but they have been deemed to be satisfactory for further education which is of benefit to the whole Bailiwick with current students ranging in age between 14 and 92. Actually that was last  
2985 year's data so that may well be 93 now.

The College of Further Education campuses are identified as some of the worst buildings ever seen for further and higher education by the highly experienced consultants. So for too long further and higher education has been the Cinderella and it is too important for that, we need to give this vital sector the support it needs and the best way of doing that is through these  
2990 Propositions. Cinderella is extremely late for the ball but she must get there.

If we had any evidence of consensus on the part of the requérants or its supporters on which model should be included in the review and which criteria should be considered I do not think we would need half of this policy letter but we really do not have that clarity so I think this debate and voting on the Propositions is the best way of establishing it. I just do not think it is good  
2995 enough to say it is clear, it is perfectly clear, but then not be able to clearly articulate what is meant by that clarity. I do not think that clarity exists if it cannot be clearly articulated. So I applaud ESC for seeking a fresh mandate.

Immediately following the debate on the requête I asked myself one simple question and it was what is in the best interest of the children? I know Deputy Green described the most  
3000 important stakeholders the teachers but I do not think it is, I think it is the children, and so I think everything, the decisions that we make should be viewed through the prism of that, what is in their best interest. I think uncertainty is in nobody's interest, we need to work towards certainty as quickly as possible.

So I think Deputy Inder's point has been quite well addressed actually by Deputies Roffey and  
3005 Graham this is not anything like the situation with SACC and Island-wide voting or the previous Education Committee, those were issues about implementation, and we are not asking this Education Committee to implement a different model that they are opposed to, we are asking them to review, and I think various Members of Education have made the point. I certainly have confidence that they could do that and I agree with Deputy Green that we need that review to be  
3010 independent, as independent as possible, and I think that I am very encouraged by the proposals around stakeholder engagement, I think that will deliver it.



If Proposition 8 falls then I think various Members have been right to ask who would step into their shoes. We have had various declarations and they have been it is good to hear I think previously I think I am right, I stand to be corrected if I am not, but I think we have had declarations of interest from Deputies Dudley-Owen, Meerveld, Prow, Gollop and Ferbrache, and the latter –

**Deputy Prow:** Point of correction, sir.

**The Bailiff:** Deputy Prow yes.

**Deputy Prow:** When Deputy Fallaize threw out the question about those who were prepared I think in his words to step up to the plate he failed to give way to me so I have not in this Assembly made any declaration one way or the other.

**Deputy de Sausmarez:** Okay, so Deputy Prow has not made any. Okay, maybe we have not. Deputy Ferbrache said in this debate and he has been refreshingly honest in the last debate about the reasons that he supported the requête, one of which was that he thought it was the most expedient vehicle to bring back selection. So I thank him for his honesty.

But I was actually really tempted to bring an amendment to this policy letter but decided against it because of the circumstances that we find ourselves in. Had I brought that amendment it would have asked the States to agree the principle that Year 7 and below will have the same curriculum offer, including the same flexibility of subject combinations, because that is what they were told that they would be getting when moving into their secondary education, and I think we should honour that promise in the same way that we honour promises to Year 8 and above Grammar students about remaining in the selective system, and in the same way that we honour promises to the grant aided colleges, people with special places in the private colleges to honour that commitment for the remainder of their education.

So I think that we know that there were some families who are in a fortunate enough position to be able to choose between States' education and private education and some made the decision to stay in the States sector their children moving in to the current Year 7 partly on the basis of the educational offer that was going to be available to them. So I think it is important that... well for me I think it is important that we honour the principle that students in Year Seven and below are offered equity in terms of their curriculum choices.

Now I appreciate in a four school model that that will come at some cost but I would ask in lieu of actually bringing an amendment that the Education Committee puts in whatever request is necessary to make that possible and I would also ask that P&R look favourably on it in terms of the budget, because I think that is a real fundamental, I think it is based on equity and I think it is not an acceptable situation in a community our size that some students have got a more restricted offer than others purely by virtue of which primary school they have been to, or which area of the Island they live in. I just do not think that is an acceptable situation to be in in a community our size, so I really would have liked to have asked the States to agree the principle that that equity could be offered to them and so I do ask that that is something that the Education Committee will consider.

I give way to Deputy Merrett.

**Deputy Merrett:** Thank you, Deputy de ... Sausmarez ... sorry, it is standing up and sitting down, sir, dizzy.

Deputy de Sausmarez mentioned the budget but would she not agree with me, sir, that it is not about money necessarily, which might be music to some Members' ears, but it is about resource, it is about actually being able to have enough teachers to teach across a four school model?

**Deputy de Sausmarez:** Yes and that also has financial implications, so the way I am looking at it in order to facilitate that assuming that the States agrees that we should be providing parity of curriculum choice to our students then that choice will have to be resourced both in the terms that Deputy Merrett describes and indeed financially, so that is my request.

Thank you.

**The Bailiff:** Yes, Deputy Dudley-Owen.

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

I would like to open with a few key points, sir, in relation to the policy letter.

It has been laid within eight days of the debate for the requête and there has clearly been little or no time at all to consult on the content with Deputies, the profession, support staff, or the wider community. The President of the Committee made no mention or acknowledgement of this various obvious departure from process during his opening speech.

Seeing that Covid-19 was on the tracks and further that it was coming very quickly towards us I think that the Committee continuing to lay the policy letter has been an error of judgement.

There are many who are very disappointed to learn that the Committee is attempting to bring this matter back to debate so soon after the States' Resolution to pause and review has been agreed, and I agree with others in this debate that it feels like round two in the ring and I should not be like this and it is not necessary.

I have looked through the policy letter and have made notes amongst which I have also made comments round some of the Propositions and I will start with the introduction.

The policy letter is introduced with a selective history of the education debate and I query the value of including content that is not demonstrative of the true picture. My view is if you cannot be accurate then do not include potted rehashes of history. In addition to this there are further inaccuracies peppered throughout the document reading directly from the policy letter in paragraph 1.3:

On the 3rd of March 2020, at their most-recent meeting, the States resolved to pause tendering and procurement processes in relation to the development of the two 11-18 Colleges ...

Well, this is inaccurate, the Resolution states:

... not to enter into any contractual obligations on behalf of the States or continue with any associated procurement processes for implementation of any elements of the 1 school on 2 sites plan ...

In the policy letter it is ironic that the Committee say that the review of models must be undertaken without undue delay. It took seven days for any communication to be sent to parents, and I am one of those parents and I was waiting every day with bated breath to know what the decision had been made from the States' debate. I do not know if an email has been sent to all staff yet giving an explanation of the outcome of the debate and the current situation.

I understand that union representatives were met with before the policy letter was made but only to be told that the policy letter was being laid. Surprisingly it was not to invite them to start putting their minds as to how they could design an effective stakeholder communication forum so that teachers can start to get involved in the process of the review. No, sir, these teachers were told again what the Committee was doing without any consultation about limiting the scope of the review. Has nothing been learned? The Committee should have by now been getting under way with the review. It is they in my opinion who are causing the undue delay in bringing this matter back to the States so soon after the States' Resolution had been agreed.

Political judgement based on representations from the profession on the tone and commentary of the States' debate is required to direct the review along with advice from officers to determine the terms of such review. We appoint committees for their ability to make these judgements and we employ excellent expert officers who have years of service experience. This

matter does not require a return to the States, there was ample opportunity during the States' debate a couple of weeks ago to seek any further clarification. Why, sir, did they not seek that clarity at the time?

3115 The Committee laid a completely unrelated amendment which was not supported by the Assembly it is clear that the Committee were not alive at that time to the possibility that the Propositions of the requête could be adopted by the States as Resolutions and this is at the heart of the matter.

3120 On the last day of the debate, Deputy Parkinson encouraged Deputy Fallaize, as did Deputy Soulsby, to take the opportunity on behalf of his Committee to lay an amendment which would limit the scope of the review. Why didn't Deputy Fallaize make use of the opportunity at that time? Another opportunity was presented to the Education Committee in the form of the P&R amendment, Deputy Roffey said earlier that of course they would not vote for the amendments that were going to delay their plans. I do understand that but the Committee hardly put itself in a position of being amenable to amendments that were helpful to continuing their plan but would

3125 also enable them potentially to build a bridge with the profession and the community.

In the policy letter item 3 deals with development of one secondary school and this is also dealt with in Proposition 1:

To agree to the continuation of the development, which is already well under way, of a single States' secondary school operating across a number of sites ...

3130 Well yet again there has been no consultation with teachers regarding this federated approach to the future delivery of education and it is too early at this stage to ask States' Members to agree with this.

I am afraid it looks like to me an attempt to continue come what may with the Lisia School idea. The policy letter states that it is clear that the development of two 11-18 colleges is not in doubt but the development of the overlying one school is in doubt. Why I ask when the Resolution is so explicit it states one school on two sites. Operating as a single organisation initially across the four existing sites will help work towards aligning opportunities for students and allow resources to be used more efficiently and flexibly, but this is premature and in my mind is evidence of the desire to salvage anything from the plan and continue is overwhelming. The Committee have been directed to cease.

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3140 In Proposition 7 we are asked:

To note that many of the representations received from teachers and others in advance of the States' debate on education which led to the Resolutions... concerned issues which were only partially related or in some cases unrelated to secondary education models ...

Well, there is no evidence here to note, nothing appended to the policy letter, therefore it is pure conjecture from the Committee and has been refuted by teachers and their union representatives.

3145 The statements released by teaching and support staff prior to the debate were very clear, the vast majority of staff strongly supported the requête which related to the one school on two sites. This was echoed by staff associations with an exceptionally high level of support for the requête in its entirety.

In the policy letter item 4 co-location of health and social care at each secondary school site, the Committee here state that it is just a concept and it is essential to bolster the school team with professionals embedded as part of the school staff, and I agree with this, and this really should be going further than just having officers or meeting rooms located at the schools, but this must be tested under appraisal and therefore at this stage just remains that, a concept.

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Furthermore the Guernsey Institute the Committee have stated that this may be delayed but here there is no definitive on this the curriculum design is due to be finalised in April and it is only then that the designed drawing can begin. It is understood that there may be a requirement to amend the schedule but the review should not interfere with this. There has been no

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demonstration of political desire to delay or amend these plans. The Committee state that the timeline cannot now be guaranteed. Well there was never a guarantee for this and it would be foolhardy and impossible to assert that anything other than best efforts here would apply.

3160 The Committee states that the States have a propensity to agree strategic policy and then to pause and reverse it in its implementation. I do not agree at all, the States do not have a natural inclination towards pausing and reversing strategic policy. It has only been done on limited occasions in the past few decades when things are clearly going wrong. It shows strength to be able to admit when things are not going okay and that we must step back and review, and this is  
3165 what has been done in this instance with the requête Propositions.

Digital infrastructure has been raised in Proposition 4 and it agrees that the authority delegated to the Policy & Resources Committee by the States on 6th September 2019 will need to be varied by increasing authority delegated in relation to the digital infrastructure and services in schools by £600,000 and reducing the authority delegated in relation to the secondary school by  
3170 the same. Now I would have liked to have heard from a Member of P&R regarding the technicalities of this Proposition and it is disappointing not to see this within their letter of comment.

It raises a point that the successful implementation of the digital road map required a good level of training and change management. The digital roadmap is not dependent at all on the delivery of education in one school on two sites, and it concerns me that this was almost a hidden cost within the transformation budget and I do not understand why the training costs were split out from the infrastructure costs.  
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The digital roadmap came as a package upgraded IT hardware but more importantly how this hardware would be deployed. It is crucial that there is change in teaching practice around this. This is a fundamental point that Members need to understand. It is the same as we are going through the Civil Service Reform the digitisation of learning needs to be accompanied with training. We do not even want to think about spending money on new kit if we do not have the people with the skills and knowledge of how to use it in practice, otherwise it is a complete waste of time, money and resources.  
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3185 The policy letter again states in paragraph 9.1 that:

The Resolutions made... on the 3rd of March [by the States] require the Committee to use the extant policy for the two 11-18 Colleges as a benchmark against which to review ...

Well this is not the case. This is yet another possible misunderstanding and misrepresentation. The wording of the States' Resolution from 3rd March asked for a comparison not a benchmark, they are two different things, they have different definitions, a benchmark would require an output and there is not output currently from the one school on two sites model because it does not exist.  
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This was a point lost during the sursis motivé debate back in September 2019 when much was made of using the previous selective model as a benchmark and the point there was not to bring back the model but it needed to be used only because that model was where we could measure the output. Deputy Meerveld has already mentioned this point so apologies for the repetition in this instance but it really is very important.  
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Now turning to the level of detail being requested to be included within the review and this is mentioned in Proposition 7 in quality of education and value for money. It is mentioned in the policy letter but some would in the debate would accept nothing short of an outline business case or possibly a full business case being made for each potential model.

3200 I do not recall anyone in debate other than Members of the Committee stating this, and I personally reiterated a number of times that the requête did not intend for this to be the case and that the advice received from senior officers in the States was that the economic case and high level costings would provide the level of detail required for the purposes of the review.

Very little of what has been spoken about or what has been stated in the policy letter and the elements of the equality of education is specific and therefore would not be included in an economic case. All that is being spoken about there might be included in the strategic case.

The Committee have adopted the universally accepted investments objectives and then critical success factors derived from those objectives and these must be specific and measurable. How are they intending to measure what they are suggesting? What they are asking for I am afraid is more of the same ambiguous and open to interpretation.

The critical success factors identified require stakeholder engagement and as I have said they need to be defined in order to be measurable. This is the same as I pointed out in the debate two weeks ago, it is ambiguous and therefore meaningless.

Building on a point that was made by Deputy Prow in relation to Proposition 5 and introducing the concept of benchmarking especially using the one school on two sites model is ineffective as I have mentioned if you do not have the model in operation then you cannot actually use it against which to benchmark. It is a nonsense to start introducing this concept and entirely incorrect for this purpose.

The policy letter has been rushed, it is undoubted, and it seems not to have received the expert advice from experienced civil servants which would have weeded these issues out.

The future of the Committee is dealt with in Proposition 8 and as Deputy Inder mentioned the Committee have themselves conflicted themselves from conducting an objective review and Deputy Graham has continued to do this today.

This policy letter, the haste with which it has been produced, the delay in communicating to parents and staff post-debate, comments, undercurrents of mass resignations, the Committee's actions post-debate have been insufficient for them to continue service because they have not been made in the spirit of attempting to restore confidence.

In regard to the Committee's ability to stay in office the end of the term has been mentioned in the policy letter and as we all know this is now likely to extend well beyond 30th June this year. Surely the Committee would have wanted to instil confidence in the Assembly and amongst the profession and the community that they felt capable of doing the work objectively but they did not during the debate and they have not since.

I do not believe that the Committee has been entirely honest with itself. If we think hard back to the weeks leading up to and during the debate they were not displaying any confidence that they could carry out the review, they threatened to resign, they threatened to leave their seats if they had to carry out the review. Members of the Committee spoke openly and scathingly about alternative options. In their words and deeds the Committee demonstrated in the weeks leading up to and during the debate that they were not confident about being able to carry out the review. Why then in just nine days has this position so changed?

What is clear above all else is that the staff, the professionals, the support staff, have no confidence in the current Committee to make the decision on whether the future model of education is one, two or three schools, or as two or three sites without bias.

The issues staff raised about the model and how it will operate are important but not as important as having a Committee that will engage with them to get the best model for education without predefined outcomes and obstructions or red-lines.

If the Committee had entertained that the proposals would be successful in the requête then perhaps they might have spoken about this point in debate saying that if they were put in a position they would accept the will of the States that they would be amenable to carrying out the review and they did not.

Proposition 10 deals with stakeholder engagement and this has been a very key point throughout the last few months. I cannot endorse this Proposition because it is unnecessary, it is unnecessary that a committee needs to even ask for the direction from the States because this is within its gift.

As I have mentioned before it is interesting to date to note that no effort has been made to reassess staff options or thoughts on what might or might be workable following the requête. If the

Committee wanted to listen and were open to considering alternatives they would have made this a priority over the past two weeks.

At this point before I close, sir, I will address points made by Deputies Laurie Queripel and de Sausmarez. I think in this regard, I thank Deputy Meerveld for his kind words but that aside, he is correct in stating that I have no favoured model, and building on this I believe strongly that this will be driven by stakeholder engagement and consultation which is not just asking, listening and then telling them no, because it is not within the States' gift. It is allowing that stakeholder engagement to shape and design the models that they believe are most conducive to enabling the delivery of high quality education on our Island.

This is not about what I believe to be the best model, it is about what the teachers think will be the best model that they believe they can deliver education in given our Guernsey framework of unique economic requirements, buildings, financial, political and societal considerations.

Sir, I will give way to Deputy de Sausmarez.

**Deputy de Sausmarez:** I thank Deputy Dudley-Owen for giving way.

I am slightly confused though because the requête asked that previously presented models are included in the review.

**Deputy Dudley-Owen:** Indeed. Thank you very much to Deputy de Sausmarez, sir, for her interjection. Absolutely and it is really clear to see that the teachers and the community at large have all been coalescing around three school models and which have all been previously researched and presented as viable to successive Committees for Education, Sport & Culture.

So to conclude, sir, I am extremely frustrated that the Committee have chosen this course of action which further, I am afraid, undermines my faith in them to deliver the Resolution of the States or to continue indeed in office.

More importantly though, sir, than my level of faith in them I believe strongly that they have lost the faith of the profession and that this is a very grave situation if indeed they win the vote of confidence today.

Thank you.

**The Bailiff:** Before I call the next speaker I have been asked to point out that when I called the numbers voting on the motion to suspend the Rules to enable the sursis motivé to be read, I called the numbers out incorrectly. I announced that 12 had voted in favour and 14 against, in fact there were only 11 votes in favour and there were 15 against, so the result was correct but just for the record I wanted to correct the voting.

Can I just remind Members of the importance of putting their microphones on when they do vote, I am told that on one vote recently there were at least three Members who had not put their microphones on. I am not saying that was the cause of that problem but the acoustics here are not always easy to hear and if people do not put their microphones on and vote clearly there is a real risks of us particularly on close votes getting the decision wrong and announcing the decision, I am not saying anybody would get the decision wrong, there is a risk of us announcing the decision incorrectly and that would be regrettable.

Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir.

I think it is also an opportune moment to remind Members that actually the microphone needs to be pointed towards their mouth because if it is pointing towards the ceiling, even if it is on it might not pick up the sound clearly.

Thank you.

**The Bailiff:** Well, it is now 5.30 p.m. I am very conscious that there are a number of Members who may have committee work and other commitments that they need to deal with so I am not proposing that we continue.

3310 I propose that we rise I think that there are several more speeches to be made. I suspect that the closing speech may take a bit of time as well. We are not going to finish this in just a few minutes, so I propose that we rise and resume tomorrow at 9.30 a.m.

*The Assembly adjourned at 5.34 p.m.*