



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Friday, 26th March 2021**

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**Representatives of the Island of Alderney**

Alderney Representatives S. Roberts and E. A. J. Snowdon

**The Clerk to the States of Deliberation**

Ms C. Foster (H.M. Deputy Greffier)

**Absent at the Evocation**

R. M. Titterington, Q.C. (H.M. Comptroller);  
Deputy L. S. Trott (*relevé à 10h 49*), Deputy L. C. Queripel (*relevé à 10h 50*)

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The Deputy Greffier*

## EVOCATION

# Billet d'État VI

## POLICY & RESOURCES COMMITTEE

### I. Government Work Plan – Stage 1 – Debate continued

*Amendment 2.*

*In Proposition 7, to delete the semi-colon and substitute therefor:*

*“, with the exception of the resolutions listed immediately below, as referenced in Table A3.1 in Appendix 3, which shall remain extant and be subject to the changes here specified:*

- Resolution 124, where the words “before the end of 2020” shall be removed and substituted with the words “as soon as practicable but no later than 10th May 2021”;*
- Resolution 126, where the words “shall be restricted to” will be removed and substituted with the words “shall include”;*
- Resolution 127; noting, for the avoidance of doubt, that the Committee for Education, Sport & Culture can include any such models and criteria as the Committee sees fit, in addition to those already listed.”*

**The Deputy Greffier:** Article I, Policy & Resources Committee, Government Work Plan – Stage 1. Amendment 2, continuation of debate.

**The Bailiff:** Deputy Dudley-Owen.

5

**Deputy Dudley-Owen:** Sir, this is about confidence and I will be direct here, through you. Members, do you have confidence in the Committee to provide all the data? This Assembly needs to give us their confidence in its decision on the future policy letter. My Committee will not be supporting this amendment because it does bring the two-school model back as an option. It will delay the production of the policy letter and it will require quite some considerable extra funding.

10

Our Committee's policy letter on the future model of education is being drafted. It is well-informed and provides all the details and comparisons needed. We ask for the trust of this Assembly.

Our review is comprehensive and takes all previous information into account and this amendment and the underlying Resolution is not needed and is why we seek its removal.

15 I am surprised that some Members are still not alive to the fact that this amendment brings a two-school model back onto the States' agenda as a potential reality. That is not a smokescreen, it is a reality. Let me remind Members, through you, sir, that none of you publicly supported the two-school model in your manifestos, but a majority did indicate a preference for a three-school model. So we ask you, please support us in what we have committed to do. Do not allow this process to  
20 be interrupted again, as it has been too many times before. Let us get on with the work and deliver the certainty our children deserve in their educational future. Please vote against this amendment.

I can reassure colleagues, sir, work is going well on delivering a comprehensive policy letter, which is on track for publishing in May. What is disappointing is that neither Deputies Bury or Gabriel have sought any contact or spoken with the Committee about their concerns before laying  
25 the motion. We have not been invited to have any conversations and I believe that their concerns could have easily been allayed without the need for this amendment.

I will take the Assembly through some key points. Firstly, a flavour of what we will present in the forthcoming policy letter, second the context of the amendment laid by Deputies Bury and Gabriel, to help the Members' understanding, and third the reasons for asking Members to rescind the  
30 extant Resolution.

Our policy letter is designed to be a conclusive paper, delivering a broad view and review of all the work we have undertaken, along with generous appendices and supporting documentation and research, much of which takes us over successive recent terms. Members can be assured our policy letter draws on and considers all work that has gone before. This includes information and research  
35 from earlier Committees, as well as the incomplete draft review submitted on the eve of Deputy Fallaize's last day in office in October last year.

This work has helped shape our thinking and we will present our policy letter in such a way that how we came to our conclusions and recommendations can be well understood. Members will see how we took the work of the previous Committee and built upon it. Members will see comparisons  
40 of the models and understand how we chose the model we wanted to take further and stopped work on those that we did not – and the rationale for that.

We will lay out the different approaches and assumptions taken to the work on those comparisons, by the two different Committees, before and after the General Election. Members will benefit from detail we give about how engagement and consultation has been undertaken, when,  
45 with whom, and the subsequent results. We will explain how this shaped and influenced the policy proposals. In addition, we will present the findings which have informed our proposal in advance of the published policy letter. This unusual step is a continuation of the level of engagement we seek that is so vital to this process. Members will not be led through the nose. Not by this Committee.

Deputy Inder can be assured that we have a full engagement schedule being finalised for all stakeholders. Details of this will be published and I have circulated to you all overnight our responses to Deputy St Pier's helpful Rule 14 questions on the subject. But referencing the point  
50 Deputy Inder made about support for our model, let us be realistic. There is no silver bullet solution and previous speakers have alluded to this.

There will be no one solution which gets unanimous support from the profession. But any model  
55 does need a substantial buy-in to be deliverable and we are working hard to bring staff and stakeholders along with us in preparation for the long journey, which starts now, ahead of the policy letter in May.

The contents of speeches yesterday has been very useful as an indicator of the interested States' Members but Members are sinking into detail and it is clear that we are still very far away from the  
60 ideal of keeping politicians out of education. But comments will be valuable in assisting Committee in relation to building the policy letter. After all, this is engagement.

As I have stated, we aim to deliver a paper inclusive of work done by previous Committees. A paper providing recommendations for the best model for Guernsey children, present and future. A

paper acceptable to the many, not the few, and reflects views of the many Islanders who voted for us.

But, sir, Members should not expect a policy letter which deals with operational matters and, in large part, that is exactly what this amendment does. It reintroduces a level of detail, mixing strategic policy, which is rightly the preserve of this Assembly, with highly operational matters such as staff recruitment and curriculum development, which are not appropriate for inclusion in a strategic debate amongst Members. These are operational matters. They sit in the domain of educational professionals. The Committee will propose a strategic policy direction in its forthcoming policy letter and it deserves to be given a clean starting place from which to do this.

We do think it is important for Members and the wider public to have sight of operational matters, especially where they are not States' decisions, so that they understand them and know how they work in practice. And it is for this very reason we are discussing ways to highlight and report on these areas during the term, once Committee is satisfied that, in collaboration with the profession and their unions, these operational matters have been sufficiently reviewed and developed.

At this stage I want to make a clear statement on this matter that I will repeat as often as I need to. Education models do not determine education outcomes. They can influence them but it is the quality of the staff and the resourcing that will materially affect the quality of education. Not the buildings in which they are delivered, nor the number nor location of the schools.

The development and evolution of education in our Island has been much interrupted and is long overdue. Our Committee recognises our education professionals need support and nurturing. In our varied role of delivering strategic direction, governance and operational oversight, we will stand side by side with the profession in continual improvement, aspiring to deliver excellent education outcomes our children and young people deserve.

Now, the content of this extant Resolution. Sir, I hope Members will benefit by revisiting debate on 19th March 2020, a year ago. This provides context to this current amendment and also new information for the Assembly to consider. Propositions from that debate became Resolutions and two of these are the subject of the amendment before us now.

This amendment, laid by two new Members, Deputies Bury and Gabriel, seeks to retain those Propositions, numbers 5 and 6, put forward in a policy letter dated 11th March, which was produced in record time, a mere five days, by the previous ESC Committee. This was rushed to the Assembly, leaving no time for consultation with anyone.

The policy letter prescribed terms of the review, using a benchmark of the two-school model and a set of confused comparison criteria. It effectively replaced the Requête, which had called instead for a comprehensive comparison of models. Proposition 5 of that policy letter is noteworthy for being factually incorrect, stating that the review of models of secondary education against the 'benchmark' model of two 11-18 colleges was directed by the States on 3rd March 2020.

That is incorrect. The direction of the States via the successful Requête on that date was a review, which must include a comprehensive comparison of the structure and implementation of the one school on two sites plan with other viable models of non-selective education delivery in Guernsey. At no time, either in the Requête or during the Requête debate, were references made about benchmarks, let alone a benchmark using the two-school model as the point of reference.

This was an inaccurate interpretation of the Requête by the previous Committee and was put into the politically drafted policy letter. The Requête sought similarities or differences to be expressed by comparing models. It did not call for the two-school model to be used as a benchmark or point of reference.

During the Requête debate, I said:

Internal processes are in place to meet the petition's request for a report to deliver a comprehensive comparison of the structure and implementation of the one school on two sites against other viable, non-selective models of educational delivery in Guernsey. Advice has been received that the best way to deliver this is via an economic case, which is part of the Green Book process. The economic case ensures that a wide range of investment options have been evaluated and that the preferred option optimises value for money.

These internal processes were completely ignored. Instead, a benchmark was created and a set of politically crafted criteria. Using the two-school model, therefore, as a benchmark, was a nonsense. Not least because it tells us nothing about the value for money of the two-school model in relation to what we are currently doing but also because the purpose of benchmarking is to determine the gap in performance financially or in output and here is the point, already made well in debate. We do not know how the two-school model is performing because it never existed.

This is the reason why this Committee, this term reset the benchmark, to achieve at least a meaningful comparison, using the current operational, education model of four non-selective schools against other possible models. That way, the value of those notional models can in some way be measured.

Turning to Proposition 6 of that policy letter. This put in place terms of reference, which dictated assessment criteria for the various models. These are a confused mix of strategic and operational criteria. To add even further complexity to this Proposition, the need for the comparison to be like for like and it is clear that Members are already confused about like for like because we have already heard in debate yesterday about side by side.

This is pure ideology and is served to skew results of the review because in this context it meant significant remodelling of existing new school buildings to level the provision across schools. It was only when this Committee started to dig into the review with Deputies Mahoney and Soulsby in attendance, did we start to understand that like for like meant realigning classroom walls to get small amounts of extra square metreage, where currently they are deemed fit for purpose. Or provision of extra sports facilities to ensure equality across all sites. This added significant capital cost to the notional models.

I wonder if Members really think this principle of levelling up provision to this exaggerated degree to equalise facilities is the best use of diminished resources. Would you not rather see that money is spent on enhancing the provisions of SEN support and professional development of staff? I know I would, because I know that enhanced provision and excellent staff add greater value to educational outcomes than equal sized classrooms. **(Several Members: Hear, hear.)**

Sir, I led the Requête. I was one of three who drafted that open and unbiased instrument. I know our intent. It was designed to give the Committee freedom to conduct a broad comprehensive review. It was not designed to fetter or constrain. Requérents are explicit about this intent, so we are very disappointed the previous Assembly agreed to this straitjacketed review, which looked to many as an intention to predetermine the outcome.

Of course, we are all seeking improvements on today's model and we use it as a reference point because it exists. It is measurable. It is unambiguous. We know the facts and the true figures, such as revenue costs. Using the factual position starts to show the value or not of different model options.

So, sir, what has changed? Nothing and everything. I never supported the debased review. I voted against it on 19th March. I feared the outcome. But I waited, as I always do, not wanting to predetermine the outcome. I might have been wrong. But I was not wrong. When we found the results of the review were a nonsense we set about the work using a set of simple principles, informed largely by consultation with the profession and we began our work using the new benchmark to identify the best fit model to deliver education in Guernsey.

The two-school model did not make it past the start line, because it falls short of the principles we have adopted. I do not want to waste any more time or resources on backing models, which will not be accepted. Time is running short to prepare our children for new challenge they face and our community grows ever more impatient with our prevaricating. Brexit, the COVID pandemic, and the two resulting Island lockdowns have changed everything and brought into sharp focus our depleted financial capability and the need to do things differently to build resilience and to maintain any degree of success for our Island in the future.

A decisive General Election, which was a clear barometer of public opinion about the future model, this Chamber by a clear majority, is full of Deputies who have publicly stated support for a



variation of a three-school model. We have a profession who publicly stated a year ago their opposition to a two-school model.

165 So, against this backdrop and in response to widespread rejection of the two-school model, which would be impossible to take forward, the Committee ask the States to agree to remove extant Resolutions relating to it, including the Requête. The context has now changed and we need to move forward to meet challenges, which were not realised a year ago.

170 I was voted in to lead this Committee, unopposed, just over six months ago. I have assured and reassured that work will be delivered and will be delivered well. Through you, sir, I ask Members, trust me and trust our colleagues who sit on the Committee to do what we say we will. The time to challenge and debate the policy is not now, it is when we deliver the policy letter in a couple of months.

175 All elected Members in this Chamber have seen that incomplete draft, the minute to midnight report from the previous Committee. Many will have worked out that it is a nonsensical approach and I am sure they will want to see how we have made sense of it by allowing us to continue to deliver the broad, comprehensive work we are undertaking.

180 In summary, this amendment has I believe been brought with the best of intentions. Those intentions, however, are stubbornly blind to the view of this Committee, ignoring the strong advice that we are giving to the Assembly. This amendment will delay, it will cost, it will reintroduce a flawed, confused and inconclusive approach. So why are supporters not listening to the Committee? I cannot say, but after all that has been said and done, despite conceding during this debate and knowing it is not what Islanders want and is therefore not the best fit for Guernsey, are there really other reasons to see this amendment succeed other than to bring the two-school model back as a possible option?

185 If Members do not want a model back that has been wholly discredited, please vote against this amendment. If Members trust Committee to deliver a broad, comprehensive, conclusive policy letter, please vote against this amendment. If Members do not want to repeat mistakes of last term, please vote against this amendment. Sir, if Members want this work to be delivered as soon as possible without further delay or cost, please vote against this amendment.

190

**The Bailiff:** Deputy Vermeulen.

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

195 I cannot support this amendment. Our children and their families in Guernsey deserve certainty. Throughout the election, the message from the electorate was loud and clear and they put their trust in us to deliver – not to revisit past decisions and delay a decision further. We really need to move forward and, as we are doing with the economy, allow our education sector to thrive.

200 This is not about buildings, or transport systems, it is about educational outcomes and our children's futures. This has gone on too long and I have full confidence in our Education Committee to deliver and do the right thing. Sir, I have heard nothing but support for this, Education's new plan. There is palpable relief in their solution. I would ask the Assembly to support the people of Guernsey and vote against this amendment. Let us fulfil our election promises and let us get things done.

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

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

210 I support the Committee in rescinding the Resolutions in question, sir, and also I have confidence in the new Committee in a new term bringing forward a more open, best-fit review to the States for debate in the very near future. We need to move forward and move forward quickly. Our children's education is at stake.

Many in this debate are going over old ground, which I think we have to dispense with now. The public voted their opinion strongly against the two-school model during the election, when

proponents of the two schools fell by the wayside. They threw out Deputies responsible for the two-school upset and the benchmark model of two 11-18 colleges was thrown out.

Any credible assessment of change to secondary education has to be made against the current four-school system and I hope also that the schools remain with the names we know and recognise and identify with. So, please, no rebranding of the school names either. With that, and all the problems of transportation to two schools, which was going to be not only costly but a nightmare of congestion. We have to go forward not backward. Please throw out this amendment.

Thank you, sir.

**The Bailiff:** Deputy Helyar.

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

I am not very fond of writing speeches so I am going to extemporise, but I have a feeling that I may be able to recycle this speech more than once in the next four years. It was a very eloquent speech by Deputy Bury in connection with the amendment and it was well-reasoned and I completely understand all the reasons why we want to see the data. The data is very important.

If you think back to what we have done over the last couple of days, we spent five hours talking about fish, about agency, worrying about whether a fisheries officer might become *Robocop* and start arresting everybody in the Island that has a chancre that they bought from the wrong fisherman. We spent five hours on that and we spent 25 minutes on moving £3.3 billion basically completely under my control because that is now delegated entirely – Deputy Roffey has got his head in hands. I am just trying to make a point.

The point is that decision about who will be appointed to make decisions in the Investment Board going forward will effectively be made by me. I will make the choices. Deputy Trott is not here so I cannot make any chancre jokes today but he pointed out that there needed to be some kind of scope for that appointment and there will be and I will work with him on that, and Deputy St Pier is.

The point being that choice will be made by me. I am sure the Committee will back it. If they do not, other choices will be made. But the thing that I have been given there is the confidence of the Assembly to do that job and the other thing I have been given is agency. You have left it to me to make that value judgement and we all must do that as a Government. It is vitally important if we are to get anything done, we have to trust, we have to have confidence in those to whom we have delegated their tasks.

I do not disagree that we should challenge the data and I do not disagree that we should look at different models and look at their cost and all the other things that go with it. But this is not a data based decision, it is a very complex decision, with many moving parts and much of the decision is going to be based on feelings, it is going to be based on people's attitudes, it is going to be based on compromise.

That means none of us is going to get the right answer. We are going to end up having to agree to something which does not exactly fit to what the right conclusions are and that requires a Committee to be given our full confidence. They have got some very difficult debates to have with trade unions, with teachers, with everybody that has an expectation, including parents of SEN children.

Everybody has an expectation. They all want to do the best and we all want to do the best for our children because we have all got a stake in this, whether our children have grown up and left school or not. It is very important to the future of our Island that we educate our children properly and that they are able to contribute to our economy.

So, I urge Members, if you are teetering on the brink of going in favour of the amendment, I agree with the thrust that there needs to be data. But we need to put trust and confidence in this Committee, which has the most difficult job, apart from mine of course, which is finding all the money to pay for it! It has the most difficult job of this Government in this term. I commend them. There are four Members who have never been Members before and I think they are doing a

wonderful job and I am getting great feedback about it. Please reject this amendment and let them get on with the job. (*Applause*)

**The Bailiff:** Deputy Mahoney.

**Deputy Mahoney:** Thank you, sir. I will be brief, as always, although this speech maybe somewhat longer than yesterday's speech that I made.

I was delighted to hear yesterday in the speeches so many Deputies have so much respect for other Deputies in the Assembly. Less heartening, with the sole exception of Deputy Le Tocq, nobody mentioned trust at all. It seems odd to me that each of us are here because one group that did have trust in us were the public in electing us to these benches. The public trusted us to listen to them. We all sat here in October and elected the Members of ESC and I had imagined this meant we were putting our trust in them.

It speaks really to the point that Deputy Helyar has just made. If we are not going to trust ESC then presumably we should not be trusting Home Affairs or ESS, or E&I or even P&R, of course? In fact, let us scrap all of the Committees and all 40 of us come back here Monday morning and then we just put the States' business in front of us and we will go through it piece by piece. It is a ridiculous proposition.

We have elected people to do a job, now let us trust them to do it. If your Committee's action was put under a microscope and questioned publicly how happy would you be? How much work would you be getting done if you had to publicly explain every single decision you make? I have put my trust in the five Members of ESC, each of whom have access to all of the information surrounding the matter that I do not have access to. They do, I do not. (**A Member:** That is the point.)

This ultimately boils down to trust. I did spend some time, as referenced by Deputy Dudley-Owen, along with Deputy Soulsby, attending some of those meetings and I have seen the volume of work that they have been dealing with. Again, I trust ESC and therefore I will not be supporting this amendment.

Thank you, sir.

**The Bailiff:** Deputy Gollop.

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

We have had five speeches in a row, all of which in different ways have been powerful; some brief, some less so, and they have been very supportive of Deputy Dudley-Owen – well Deputy Dudley-Owen made one of those five speeches, of course – and the Education, Sport & Culture Committee. I think, like all of the speakers, I want to say on record that I have very great admiration and impression of goodwill and trust in the new Committee *for* Education, Sport & Culture, the leader, the Committee Members and indeed the staff, from what we have seen.

Because, when we think about it we have only been going just over four months, of which six weeks have been a lockdown and we had other Brexit things over Christmas. We have had no time to get going and yet that Committee have gone ahead with real times workshops, with online workshops, with powerful speakers, with thought-provoking ideas and have already sketched out a solution, which I suspect has widespread acceptance across the community. Although there are advantages and disadvantages to everything there, and probably will win the day.

That said, where I would probably part company with Deputy Vermeulen is he said that the public clearly made a choice about who they wanted on education models. Yes, the election results generally showed candidates who were for the pause and review, did particularly well – where has my green ribbon gone? – and people who were more associated with the former model of the then Education, Sport & Culture had greater difficulties. There was a bit of a swing present.

But where I would perhaps question it a little bit is the truth is there is not actually that much certainty about what the people wanted. We just got an impression from the community they did

not want the two-school model as outlined. I heard in the last few hours of this debate people talking about three different schools, 11-18. We have heard some thought-provoking arguments by Deputy Matthews, which are quite commonplace in UK and European circles but not widely spread here where the debate has been very narrowly focussed.

We have heard reference to a tertiary college, about the sites and we are not at all clear even what sites we will do, because La Mare de Carteret remains an option as does Les Varendes. So there are many questions still to resolve and that of course encourages speculation from teachers and others.

I am teetering on the brink, as Deputy Helyar pointed out, precisely because the arguments that Deputy Bury and Deputy Gabriel and others have made will not go away. They will continue to be in the frame from some Members of the States, some Members of the community. We heard yesterday from Deputy Ferbrache in a heartfelt extra speech and statement, really, about the impact of coronavirus on Guernsey and everything.

I think it is true that, according to a survey, some 90% of the public are supportive of the approach the States of Guernsey have taken, a higher percentile than Jersey, for example. Maybe the reason for that is not just because of the excellent leadership that we have had from Deputy Ferbrache, Deputy Soulsby, Deputy St Pier and others, I think there is another reason. There has been community buy-in and, generally speaking, I get the impression the Deputies have listened to the advice of professional experts.

Now we have a problem with education because quite a few people, especially those who have achieved senior leadership in educational positions, head teachers past and present, have very strong views about education and many of them were supportive of a model not dissimilar to the two-school model. Those voices will return unless we put out all of the arguments extremely clearly.

I have got a confession to make here, in a way, that the two-school model that was constructed by the last Committee was, I am sure, very unpopular with the majority of the public and for lots of reasons was therefore not politically achievable and one can look at many reasons for that, from both teachers' reluctance to engage with the model as it turned out, as Deputy Inder reminded us when they were concerned, to environmental factors, to transport factors, to sites, about loss of community and so on, and fears about the effect it might have had on pupils with special needs and spatial concerns. So there are a lot of issues there.

But if you started from a rational basis of looking at a model that was affordable within Guernsey's fiscal framework and had significant curriculum breadth and equality, and you wanted to get rid of selection and the 1950's/1960's system, which we had already decided, then the two-school model ticked the boxes. The fact that it was not popular with the public or teachers or Douzaines was unfortunate. But, in terms of its rational creation, it actually emulated many models in the United Kingdom and elsewhere.

The problem therefore for Education, Sport & Culture is to present a different model, acknowledging and admitting, perhaps, that the model that is more acceptable to us as a community is possibly more expensive, possibly presents professional challenges about where teachers are employed; possible has logistical ... although I agree with Deputy Dudley-Owen, the last thing you want is to talk about people moving walls and spaces between classrooms –

I will give way to Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Thank you, Deputy Gollop, I do appreciate that.

But I do feel that he might be misleading States' Members inadvertently. There has been a lot of conjecture about capital cost of this three-school model, any variation of the three-school model, and I really would caution against any presumption that three-school models are more expensive. We will obviously be coming back with those details but please, do not start making assumptions on increased capital costs, which may not be true.

**Deputy Gollop:** I thank Deputy Dudley-Owen for pointing it out because she obviously has got much more insight and information than I have at this stage. I think that the freedom the Committee

370 have to present their case is important but it is also important that it is presented in a way, for more analytical people and educationalists and teaching professionals, that they can compare the different arguments.

I wish to point out at this point that when I served with Deputy Inder and Deputy Dudley-Owen for a brief period on Education, Sport & Culture, I concurred that the advantages for the foreseeable future of keeping a Sixth Form Centre that at least provided an option, a choice, as Deputy Matthews pointed out, for people who want to get out of the school context at 16, is a valid one and was one downside, significant downside, of the two-school model, and also the use of rebuilding, perhaps, of a third school, the impetus that gives construction and the sense of place is another advantage.

380 But Deputy Dudley-Owen actually, in correcting me, and she is right to correct me on every level, has actually pointed out my stupidity because I am making assumptions about the two-school and three-school model. I have had many conversations with Deputy Meerveld and others who have said that perhaps some of the assumptions of the Fallaize two-school model, if I can call it that, were incorrect. I have no knowledge about construction and structures.

385 If Deputy Dudley-Owen is right, and we have to trust that she and her Committee are then some of the assumptions and rumours and perspectives that the two-school model had many advantages from a capital/revenue point of view need to be questioned. But we can only question that if we have the comparisons and the material.

If Education, Sport & Culture are convinced that when you actually put all of the ducks in a row and you look at them and the two-school model, really, does not stand up, then so much the better.

390 Sorry, I will give way.

**Deputy Dudley-Owen:** I am very grateful Deputy Gollop for giving way again. Deputy Inder is encouraging me to stand because I said this in my speech. I do not want this Assembly to waste any more time going over questions, which I have just answered in my speech, Deputy Gollop.

395 **Deputy Gollop:** Well, I do not think I want to waste any more time either. I think my argument, therefore, is if Education, Sport & Culture want to put across a comparison and this amendment, in itself, modifies and moderates the former Resolution in any case, then we are arguing about nothing and we should actually have the comparison that the Bury/Gabriel amendment suggests because clearly that would work for all of us.

**The Bailiff:** Deputy Fairclough.

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

405 I do not disagree with the President's assertion that we should keep politicians out of education. However, it will be our responsibility in this Assembly to decide on the best method of delivering future secondary education in the Bailiwick. I want to support the Committee for Education, Sport & Culture. I supported the election of all its Members and I want to let it get on with its job and I trust, using that word that Deputy Mahoney used, I trust it to do so in the same way as I trust all the Committees of the States to deliver against their mandates to echo Deputy Helyar's words.

410 There have been some excellent speeches over the last two or three hours of debate and I would like to thank Deputy Murray for his summary of our manifestos. There has been a lot of talk about pledges made. Let me read you what I wrote in mine, for the purpose of clarity:

The way secondary education is delivered should be resolved once and for all. The mishandling of this over the last two Assemblies shows we need change in the make-up of the States. This was one of the major election issues four years ago and the last Assembly failed to deliver. I am in favour of three state secondary schools, not two, but I believe we need to await the outcome of the review of possible models before making a final commitment. Students, teachers and parents have been messed around for far too long.

415 I stand by what I said. I chose my words carefully and I back ESC to deliver the best outcome for our students. But how would those who voted for me and others feel if I made a commitment to a

preferred model of education without a review? I take comfort from Deputy Dudley-Owen's promise of a full comprehensive review this morning.

I am asking can the Committee give a reassurance that it will review and compare models in its forthcoming policy letter, along with a justification for why it is recommending the option that it is. One of the reasons I ask this is there is clearly some public expectation that this will be produced. Furthermore, at the workshop on 7th December 2020, which has already been referred to by Deputies Kazantseva-Miller and Matthews, amongst others, we were shown summaries on the boards at the back of the room, of the current model, Model A, two 11-18 schools; Model B, three 11-18 schools; Model C, two 11-16 schools and one 11-18 site; and Model D, three 11-16 schools and one Sixth Form Centre. These included comparative cost ranges, transition times and capacities.

I left that workshop feeling that more needed to be done, particularly with regard to evidence of educational outcomes, which is for me what really matters here. I left my comments accordingly. But, walking away from Les Ozouets, I felt that at least we were on the right track towards a proposed solution following some meaningful comparisons.

What has happened since? Well I do not necessarily disagree with what the Committee released on Monday, 8th March, but I would like reassurance that there is an audit trail of how the conclusions were reached when formulating the so-called guiding principles for the future of secondary and post-16 education.

Sorry, I will give way.

**Deputy Dudley-Owen:** I am very grateful to Deputy Fairclough, I do not normally interrupt in this way. Well, I obviously have with Deputy Gollop but it is not my normal practice to do so in other debates. Deputy Fairclough has asked for reassurance and I really want to underline boldly that reassurance that what he is asking for is what we plan to deliver in our policy letter and it will be delivered.

**Deputy Fairclough:** Thank you, Deputy Dudley-Owen.

So, I would like reassurance that there is an audit trail of how the conclusions were reached when formulating the so-called guiding principles for the future of secondary and post-16 education – apologies for repetition – and the two variations of three 11-16 schools and a Sixth Form Centre located on a post-16 campus alongside the Guernsey Institute, which is now being put forward.

Without this, I think there is a danger, rightly or wrongly, that there will be a perception that we, as an Assembly, are missing or have missed a step and the last thing I want is for plans to be derailed further down the line. We simply cannot afford for that to happen. If we have learned nothing from the last six years, inside or outside the States, surely we realise that we have to carry the public and all stakeholders with us?

Did not thousands of Islanders march for a pause and review? It would be interesting to know whether those who took the time and trouble to demonstrate their feelings publicly feel this has happened. Maybe they do. We cannot pretend to know. We have had a pause at least, I would argue the States have over-delivered on that, but what of that review?

I have heard of over-promising and under-delivering but never over-pausing and under-reviewing. Let us take teachers, the unions, parents and students and the community with us and move forwards. I, like those thousands of Islanders, displayed green ribbons in the hope that our future system of secondary education would be thought through and not rushed through and that is all I am asking for again.

**The Bailiff:** Deputy Meerveld.

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

Well, this has been an interesting debate and we have seen the ghosts of models past resurrected in several ways. I am going to try and look at this in the context of the actual amendment

and what it is trying to drive at, rather than a review of the scores themselves and the benefits of one model over another.

470 Deputy Bury, in her opening speech, said she wanted to have a comparison. She wanted transparency, good governance, enough information to make an informed decision and no further delays. Unfortunately, supporting her amendment would give you none of those. I am going to look at this from three different stages: looking backwards, looking where we are currently and looking forwards.

475 Looking backwards: it has been misrepresented, I believe, by some people or misinterpreted by the public that the review part of the pause and review has not been proceeded with but the fact is the extant Resolutions, which this amendment would have us enforce on ESC, are not the original pause and review.

480 As Deputy Dudley-Owen said earlier, the original pause and review was for an open comparison, very unrestricted, letting the Committee come back with a comparison of all the models to this new Assembly post-election. That was the original review and I know because I was one of the three people who authored it, alongside Deputy Dudley-Owen and Deputy Prow.

485 It was deliberately done not to try and constrain the Committee, not to try and restrict those comparisons. Yet, as Deputy Dudley-Owen pointed out, just five days later, the Committee came back with a whole list of a dozen Resolutions, deliberately designed, in my opinion, to constrain, bias and undermine the review to try and predetermine an outcome or to at least favour an outcome, in favour in this case of the two schools.

490 Let us look at the principle of a benchmark. A benchmark is meant to be a known quantity. I can quote from *Collins Dictionary* if you like. It is meant to be a known quality or quantity and something you can measure against. The two-school model has never existed. It is, in my opinion, a model that was based more on ideology than practicality and the ability to implement it. Therefore you cannot use it as a benchmark.

495 Worse still, the extant Resolutions require you to use the assumptions of the two-school model and apply that to all other models. Assumptions like equality of provision and I think Deputy Dudley-Owen alluded to this in her speech. Every school must have the same sized classrooms, let us knock down the walls at St Sampson's and move them 60 centimetres so that every classroom is exactly the same size. Let us spend millions on making sure that each school has exactly the same size swimming pool, exactly the same size playing fields.

500 That way, of course, you can inflate in the costs of some models against the two-school model. You can utilise a benchmark to bias the outcomes of research. I can tell you this categorically, because I spent most of my professional career running investment research companies and one of the things we used to teach was how you could take a chart of the performance of unitised funds, in this case unit trusts and mutual funds, and you could have three, four, or five performers on a chart during the performance over the last five years. I could take the bottom performer and make it out-perform the top performer.

505 How do I do that? I use the bottom performer as a benchmark, I look at the relative performance. I pick a point at which the worst performer was at its very worst performance relative to the better performers, I adjust the start date of the analysis to that date and then all of a sudden the poor performance of that fund elevates it above the others. I can give this Assembly a masterclass on how you can use a benchmark to deliberately mislead. The classic quote, I think incorrectly attributed to Benjamin Disraeli, is:

There are lies, damned lies and statistics.

515 I can literally give you a masterclass in how a benchmark can be used to bias the outcome. Equally, this also applies, actually, very interesting, to consultation documents. How do you predetermine or bias the outcome? You change in the writing of the briefing document that outlines the deliverables. Again, I could give people a masterclass on how to do that.

So, it is not the actual people who conduct the research. If you hire a consultant to come up with a report, how do you bias it to get the result you want? Well, in the letter of instruction you define the deliverables of the consultant very tightly and specifically in a way that will give you your desired outcome. I was actually concerned that in some of the two-school consultations this had been done.

520 This does not mean that the consultant, or in this case the officers conducting the research, and the independent people overseeing it, have done anything wrong, it means that their perspective, their allowed view is restricted. In other words, do not look right, do not look left, just look straight ahead where I am telling you to look.

525 That is what this amendment is trying to do. It is trying to introduce a politically motivated set of criteria that were brought in to deliberately bias the outcome towards two schools, by introducing what I consider to be ridiculous assumptions and demands on that comparison.

530 Enough of what went past, because unfortunately in the last States it was dominated by some political machinations that, quite frankly, sickened me and were not in the best interests of our Island and our population and I certainly hope that will not be the case in this Assembly. Let us look at the current situation we are in now.

We have a new Committee looking at this. On that Committee, we have four new Members, the majority. They are coming to this with fresh eyes. They were not involved in the political machinations and the nonsense that went on in the last term. They do not carry the baggage and the scars of those battles of that term.

535 They may have a judgement, based on their own desires and also the impression of what the electorate wanted and it may well have influenced whether they got elected or not. But we have four new sets of eyes that have come in and looked at all the data available and, believe me, there are mountains of it, because I was involved in the first drafting of the first three-school model.

540 They have come in. We have to trust them and I think Deputy Helyar has put it very well, as have others, we need to trust them to come back with the information. Deputy Dudley-Owen has assured us that she will come back with that review – but done in the way that it was originally intended, as a comparison of the models, side by side, not benchmarked against anything, giving the pros and cons and costs etc. at a high level, so people understand if certain models have been discarded or not proceeded with by the Committee why they have come to that conclusion. I trust them to do that.

545 So, looking forwards, I hope people understand that this amendment is not giving them the review that was marched for by 3,000 people. The review that Deputy Dudley-Owen, myself and Rob Prow authored, this is not it. This is a political machination to try and undermine the open and honest and unfettered review that we wanted, so do not support this amendment on that basis.

550 Also, do not support this amendment because it will, inevitably, require the current ESC to go back and do additional work, re-writing their policy letter, if for nothing else to rephrase it in these restricted parameters against a benchmark with restricted assumptions. So, we will be delaying the process. Let us give them the couple of months they need to deliver their work to this Assembly.

555 So, looking forward, you want to have the information. They have said they would deliver it. Let them get on with it. You said you want to not create delays. Then do not create delays by making these extra demands, which I believe are irresponsible. Also, let us change the narrative. Deputy Dudley-Owen is a woman of true integrity. I trust her entirely to deliver not just what is expected of her but to do it in an open and transparent manner.

560 It is not in her nature to hide things, to try and play political games. In fact, I have been criticising her recently for not having gone and responded to the negative rhetoric that I have been seeing in the media, on social media and in the mainstream media, criticising her and trying to imply that she is doing wrong.

565 But she says, 'No, I am doing the right thing and I am going to carry on working for it and I am going to deliver it.' She has not risen to the petty arguments we see going on and petty accusation. I believe that supporting these amendments would almost be a vote of no confidence in this Committee.



Now, unless that is what this Assembly wants to do and they want to start going through that process, then I say throw this amendment out, support the Committee, let them finish their work and let them deliver it and we could have this discussion in a couple of months' time, when we have got the facts in front of us. If people do not think there is enough information, it has not been handled properly, that is the time to ask for more or to criticise. Not now.

Thank you.

**The Bailiff:** I am going to call Deputy Haskins to make his maiden speech, Members of the States. So, Deputy Haskins.

**Deputy Haskins:** I feel the pressure already!

It is hard to follow some of the impressive speeches from the other Deputies today but let me start by saying that I welcome all the debate thus far. It is clearly an emotive subject and issue because so many of us have got up to speak. Now, unlike Deputy Bury, who told us yesterday that she does not have any faith in the system, because of the mess that has been left over successive terms for her and her daughter and where they find themselves now, and Deputy Roffey told us in not so many words that he does not believe our teachers could come to a consensus, I however do have faith.

I trust the Assembly. I trust the Committees. My colleagues have integrity and are very capable. I trust them to make sensible decisions based on current evidence that they believe is best for the Island. I will, of course, speak up if I think I can add value or a useful perspective or perhaps, if I truly believe they are missing something, otherwise, I will let them get on with their work in their Committees.

So, here I am, speaking up, and I think it is useful to hear my thoughts on the amendment as a Member of the concerned Committee. I will of course be reinforcing many of the things said by the President of the Education Committee, the other Members of the Committee and Members of the Assembly. But let me first take this opportunity to remind the entire Assembly of what it is we are trying to do here. Not just this Committee but this Government.

This debate is really about the Government Work Plan. I understand that this particular part of the debate relates to the rescission of the thorny two-school bogeyman, but as a Government we have the unenviable task of dealing with the significant effects of COVID and, to remind you as Deputy Aldwell in her brilliant speech yesterday, things have changed. We do not have pots of money lying around. I think that is a quote from Deputy Helyar.

We heard from Deputy Le Tocq recently. There are the effects of Brexit still looming. Then, we have the effects of an overwhelming lack of capital investment in our Island. So much so that Deputy St Pier brought in an amendment on this issue just yesterday. So, if we thought it was not bad enough, we are overdue a huge spend in our infrastructure when COVID comes along and steals any money that we did have.

Then there are climate change issues, the country spending trillions to mitigate enormous challenges that that will bring. What I am saying is – and seeing as the Assembly seems to enjoy a nautical theme – we are in rough, uncharted waters and none of this is going to be easy. We all knew this, I knew this when standing for Government, not least the Education Committee, and I am often reminded that a vocal few can be very loud. But they are not always a fair representation of the majority.

Tough decisions indeed do need to be made. It is imperative, as Deputy Soulsby said in opening the debate, that we must work together. Make no mistake, this is the first real test of our resolve. It is us, right here, right now, that have all pledged to the Island that we will do our best to guide, protect and serve the Island through some of its most difficult years. This remains my pledge.

This brings me to this particular amendment and I would like to outline some of the problems. You have heard from Deputy Bury, Deputy Matthews, Deputy Roffey, Deputy Kazantseva-Miller and many more that the two-school model is widely accepted as being dead and now buried, if you pardon the pun.

Now these Deputies have said that this amendment does not bring back the two-school model. It does. It definitely does. It forces any model to benchmark against that. Deputy Bury has said that the Committee is free to add criteria and change assumptions if they wish. Whilst sounding great, the reality is that if the Committee wanted to change an assumption, let us say on the physical classroom size standards, in order to fulfil the Resolution, it is forced to spend more time and money by adjusting the calculations made to the two-school model, in order to make a comparison against it.

I repeat, this would cost the Island and our children more time and thus more money. Deputy Kazantseva-Miller mentioned a media release where she says that ESC will publish only relevant information and that this does not make for a good comparison. The implication is, of course, that we would need to include the two-school, as we heard is not in the running.

So, on the one hand, Deputy Kazantseva-Miller is saying that the amendment is not bringing the two-school model back but, on the other hand, forcing us to publish all of the relevant data, which includes the two-school model – I suggest a contradiction in terms.

You have also heard many times that the Resolution ties the hands of the Committee to using the benchmark of a fictional model against which to compare. Let me elaborate on this slightly. The Committee came in with fresh eyes and said it does not make sense to spend thousands of pounds of taxpayers' money moving a wall two metres, just to make sure a classroom is identical to another classroom in another school, (**Several Members:** Hear, hear.) when it is already fit for purpose.

Indeed, Deputy Matthews said in his speech equal in status does not mean that they have to be identical. I completely agree. But what the amendment does is tie the Committee to the Resolution that insists that each school has to be identical in order to at least compare like for like, which I suggest is impractical.

So the calculations for the costing of the two-school model are based on different bases and a different concept to what this new Committee is trying to achieve. This Committee believes that we need to make the most cost-effective use of our existing buildings and facilities, obviously making sure they are fit for purpose.

It would be obstructive to use the calculations based on the two-school benchmark that is seeking identity. Yes, a teacher has assured me that is a real word. We simply cannot afford to be comparing like for like in this same vein. Deputy Kazantseva-Miller again – I am sorry! – argued that no model exists currently, so why can't we use a two-school benchmark and compare against the rest of them. But I would have to push back on that and have already done so. There is a model that exists. It is what exists today. Four schools, three 11-16s and one 11-18. That must be the benchmark.

This amendment does, whether you like it or not, and disregarding all the previous debates, tie the Committee's hands. The entire Committee is telling you right now we feel that it is not in the best interests of the Island to hamper the efforts of the Committee, especially seeing that comparisons will of course be done in the policy letter.

Deputy Falla requested that all Members be part of the review. Unfortunately, I would suggest that the entire Assembly cannot all be on the Education Committee. We have heard from P&R that there is a fair bit of work to do on the other Committees, as well, apart from maybe Deputy Gollop's.

May I take the opportunity to remind the Assembly, through you sir, that our remit is on high-level policy and not on operational level. These must be kept separate. Indeed, some Deputies, I think including Deputy Gabriel, would like to see class sizes, educational outcomes, sports provision and possibly how many toilets there are in each model. May I ask, through you sir, would they also like to know the school staffing times and, more importantly, the uniform emblems, because I hear there is a superb deal on one. (*Laughter*)

There is also a technical angle to bring to light. The date that the amendment is trying to force upon the Committee may not even be achievable. We have revised our policy timeframe, following feedback from unions, on teacher engagement, relative to the COVID impact, because quality teacher engagement is very important to us. The amendment would prevent this vital engagement from happening.

As I say, given the fact that this amendment will push back delivery, the date upon the Committee is more than likely not achievable. This point alone should be enough not to vote for it. Otherwise, we would have to spend yet more time and money asking for an extension, again causing another delay.

675 To add more emphasis on this point, Deputy Bury said that the essence of this amendment was to make sure that there are no delays. Ironically, as we have already heard, this amendment means exactly that, delays. It is not acceptable to Deputy Bury for a delay and it is definitely not acceptable to me. It has been estimated that it could mean a delay upon implementation of some models as much as two school calendar years. I am sure the entire Assembly would find that utterly  
680 unacceptable.

So, I find myself wondering why does there seem to be some support for this? I have really tried to put myself in the shoes of the amendment supporters. I have listened to what has been said. But what is it actually trying to achieve? Is it a genuine attempt to be involved and help the Committee shape the future of education? If so, I believe it is the wrong way to go about it.

685 Discussions directly with the Committee would have been far more constructive. We could have highlighted issues before the amendment was laid. May I make a plea for all of us to be part of that more collegiate Government that I know I have subscribed to?

I continue to think is it to continue to exert control over the Committee? If so, I would hope Members need no reminding that their own Committee will face plenty of their own difficulties and that this energy would be better used on their Committee, again apart from Deputy Gollop's  
690 perhaps.

I then wondered, I am a new Member, this is my maiden speech after all, perhaps my political acumen is not quite up to scratch. Is this a wrecking amendment that some Deputies have mentioned? I really do not think so. Or rather, I do not think this was the intention at all. I know the  
695 outstanding character of both Deputy Bury and Deputy Gabriel and I am quietly and perhaps reservedly optimistic that we do not have those intentions in this Assembly, certainly not by the majority.

But everyone is free to have their own opinion. Some more than others. I welcome them, nonetheless. Constructive criticism is exactly that. It is constructive. This amendment is not  
700 constructive. In fact, I think it would be fair to say that it is destructive. So I am left with this. I think the potential support comes from Members who do not fully understand the implications and ramifications behind the amendment. It is easy to think that the amendment brings with it a nice and fair like-for-like comparison. It does not.

The policy letter we bring will have comparisons. It will have data. It will have evidence. And of course it will have our recommendation, having analysed this data and evidence. That is the time  
705 for the Assembly to query and lay amendments if you think we have missed something. Or perhaps you have a great idea that we have not considered. Again, I really do welcome constructive criticism.

Before I come to the end of my speech, I would like to remind Members that if you are worried that we will lose work already done on our two-school review, well we have used and continue to  
710 use work done already because it makes sense. Why would we want to lose that work? We will highlight the issues and the shortcomings with it, much like, I think, many of us have. But we will not lose that work.

All of the relevant work and other data will be in the policy letter. To force the Committee to use the two-school benchmark that we have openly explained is flawed would be wrong. I strongly urge  
715 Members to be part of a collegiate Government working together for the good of our Island and our children's benefit. As I say, Deputy Gabriel and Deputy Bury, also new and fresh faces, are esteemed colleagues of mine and I personally get on very well with them. This amendment is absolutely no slight on them. They are both free, as is the entire Assembly, to lay any amendment that they see fit.

720 It is my duty, however, to consider them and to rebut it if necessary. This Committee has spent huge amounts of time diving deeper into the subject and subject matter and really and truly understands the effects of this amendment. I therefore cannot in good faith support this

amendment and again I strongly urge States' Members to vote against this amendment. Thank you. *[Applause]*

**The Bailiff:** Now Deputy Trott, I am worried that your arrival during the course of Deputy Haskins' maiden speech might make you think that that applause was for you. You had forewarned me that you would be late in this morning. Is it your wish to be relevéd?

**Deputy Trott:** It is, thank you, sir.

**The Bailiff:** Thank you very much. Any other Member? Deputy Moakes.

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

Given that there have already been strong speeches on this matter, I will keep this short and succinct. The two-school model is dead. So why on earth would you include it in a comparison or review? I hope that this amendment is defeated and that that will be the end of it. This will allow ESC to complete its review and return to the States in due course.

I trust ESC to come back with detailed information, which will enable us to make fact-based decisions. The alternative is more dither and delay and further uncertainty for students, parents and teachers. This is completely unacceptable and I strongly urge Members to vote against this amendment. Thank you.

**The Bailiff:** Deputy Queripel, you also arrived at this point. Would you like to be relevéd?

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

**The Bailiff:** I will mark everyone now as present. Deputy Burford.

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

As I see it, there are three reasons to reject this amendment. The first reason arises if Members are completely content that the three 11-16 model, with a separate sixth form that the Committee are proposing will receive approval from a majority of this Assembly when the policy letter is debated, irrespective of any parent, teacher or union feedback that will inevitably emerge at a point before a spade is put in the ground.

Picking up on Deputy Murray's comments, the question is not, as he would have us believe, whether a majority of this Assembly support a three-school model, rather it is whether a majority support a particular version of a three-school model. We might all unanimously agree, especially after the year that we have just had, that we want a holiday. But soon it will become clear that some want to go trekking in the Himalayas, some want a city break and yet others will only consider a trip to Disneyland.

The second reason to reject this amendment is if Members really do fear and believe that when the review returns, the two-school model will be supported by a majority of this Assembly. Sir, nobody, but nobody believes that.

The third reason to reject this amendment is that we should just let the Committee get on with things and stop interrupting them. I do genuinely have sympathy with this view and indeed had the evidence indicated that they were progressing with the review part of the pause and review, I would have been very happy to sit back and wait for its publication.

But, for me, alarm bells first began ringing back in December when we were told that there was an intention to introduce a guiding principle of not splitting the sixth form and the trouble with that is that it promptly ruled out three 11-18 schools. This is where I agree with my Scrutiny colleague Deputy Dyke, in that it would seem – and I need more evidence, but on the evidence so far it would seem – that the two most likely models in the end will be the one that the Committee want and the three 11-18 model.

775 I am really not sure that the only offer of 11-18 schooling on this Island should be the preserve of the private colleges. But unlike Deputy Dyke I am not prepared to ditch that model at this point in time by voting against the amendment. Unlike many Members of this Assembly who were specific in their manifestos about which model of secondary provision they supported, I am not wedded to any particular version because, for me personally, I simply do not have enough information yet to make that decision.

780 In my manifesto, I stated that I preferred three schools but I was not prepared to commit to which version until I had seen the review, which at the time I expected would arrive not long after the Election, as it was apparently already well underway. It is true, I did dismiss two schools because it was clear that there was widespread antipathy to the model, rightly or wrongly, certainly some of the oft-repeated arguments about it were not grounded in any kind of fact but, irrespective, you cannot impose on a community something that it does not want and I am on record in a video I produced during the Election, saying precisely that.

785 I was entirely comfortable with my position when I wrote my manifesto and I am entirely comfortable with it now. But it seems that we may not get the review that Deputy Dudley-Owen campaigned so enthusiastically for in her Requête, the review that I need in order to enable me to make that informed choice. So, what to do?

790 Even though I dismissed the two-school model for all the reasons stated, I still want to know how all the models stack up, all eight versions and any others that the Committee may wish to add, to know how much each model will cost both in capital but, more importantly, in revenue terms. To know what specific compromises different models would need to make to understand what the trade-offs would be.

795 Something else I said in my manifesto is I promised to make informed decisions about these things. Deputy Dudley-Owen has told us there will be a lot of information in the policy letter to be released in May and I do not, for a minute, doubt that, but will it be presented as a wide-ranging comparison, as so fervently called for by the President last year and which was supported by so many Islanders?

800 I am also confused that the President says she will bring a review but how is that compatible with the fact that they have already decided on a preferred model and without the apparent level of consultation that we were led to believe, certainly according to one recent union rep?

805 As I see it, the pause and review had two objectives. The first, clearly, was to stop the two-school model in its tracks. But the second was to present alternatives so that a consensus could form around one and this Assembly, this Island and, vitally, our children and young people could finally move forward.

810 Whichever model that turned out to be would not be able to be rejected with the claim that there must be something better around the corner because all the evidence on the other models, including the variations on sites, would be there.

815 Deputy Meerveld says that this is the wrong pause and review, or the wrong review of the pause and review, but the Committee is also intending to rescind the original pause and review Resolutions. With all due respect to my Education colleagues, it cannot be ignored that Deputy Dudley-Owen chose four out of the around 13 Members of this Assembly who had all specifically argued for a three-school model with a sixth form in their manifestos and indeed that is what they intend to offer us.

820 I just do not want to see a challenge come later this year, from this Assembly, from the community, as details emerge and see yet another model fall by the wayside. Equally, I do not want to see this Assembly vote for a model because of fatigue. That is no way to design a system of secondary education.

825 The way to guard against both of these bear traps is to bring forward the review. The whole idea was to move away from the painful succession of Education Committees coming along every two years with a new model for consideration, only for it to fall at some subsequent hurdle. But, somehow and despite promises to the contrary, we appear to be doing it again but expecting a different result and, as Deputy Roffey said yesterday, that is the very definition of madness.

In closing, I will be voting for this amendment. I urge my colleagues to do likewise. There is absolutely nothing to lose. It is not a back door to a two-school model and there may be a great deal to gain in terms of finally making progress on this thorny issue. Thank you.

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Thank you very much, sir.

Deputy Moakes said the two-school model is dead. Well, I say long live the four-school model because of course that is actually what is being presented to us, four secondary schools. Much has been made of the commitments of many Members in their election manifestos to a three-school model but we have to recognise that we are going to be presented with a four-school model. That will have very different revenue and capital costs than a three-school model, whether it is three 11-18s, or two 11-16s and one 11-18. So, I think it is just stating the obvious on that.

Deputy Dudley-Owen, when she spoke, thanked me for presenting a Rule 14 question in relation to consultation because we have been promised the Committee have undertaken to engage in I think the phrase is extensive consultation with stakeholders, including of course, the profession. I think what became clear from the comprehensive response from the Committee overnight, for which I thank them, was that in essence there has been no extensive consultation, on the announced preferred model, with the profession.

That does give me cause for concern because the profession have certainly told me in the last month or so that, and this is a phrase which will be familiar to anybody who has sat through any education debate, the devil is in the detail. When Deputy Dudley-Owen spoke, she did mention things like the curriculum and space standards and other things being sort of operational type issues. But the reality is that is where the devil is and that is where the detail is and that is where the devil is.

If anything is going to derail the four-school model that we will be presented with, it will be at this level. So, the breadth of the curriculum, question of space standards. I think we have had a bogeyman, another bogeyman I do not know how many we have got floating around at the moment, we have had another one in relation to this moving of walls 60cm or so. I think what we do need to acknowledge is that what the profession told us as a community, as an Assembly last time and as a community, is space standards are very important to the professions and some of those space standards vary by 20%.

Certainly, it is entirely appropriate that the review should look at what the optional costs are. I cannot imagine any Committee would ever recommend moving a wall 60cm or any Assembly would ever accept that but, actually, understanding what the implications are of trying to achieve that, I think, is the rationale for that particular issue.

Dare I say it, the number of parking places? That was an important detail in the last issue. Very operational, granular issue, but Members of this Assembly will need to understand that there are many issues, which we might regard as operational, that become deeply political and need to be negotiated and settled on the floor of this Assembly and parking places at the four schools could well be one of those issues. Pupil/teacher ratios, another incredibly important issue, and of course average class sizes that go with it.

We have also heard from Deputy Dudley-Owen that she has been shocked to find that the Education Services has been depleted and needs to be rebuilt. I think actually us having an understanding of what is being done at Education Services level at Education HQ level, rather than at school level, again is not just an operational detail.

There are policy issues out there at what will rest at Education Services. Remember, it is not that long ago that that was presented as an over-bloated part of the Civil Service, desperately needed to be cut. We did not need all those people sitting in Education Services, we needed them in the classroom and we do not want to be lowering costs at that level. So, understanding that relationship between Education Services and the school is incredibly important. It is a detail, that is where the devil is.

When Deputy Meerveld spoke, it was useful to be reminded of his professional career, that he has spent a professional career learning and teaching the re-presenting of statistics so that they tell a different story or perhaps present a different interpretation. But I think he made the point that the pause and review needed to be undertaken as originally intended and I think Deputy Burford did raise that question as to, in that case, why rescind the original pause and review Resolution?

Deputy Haskins raised the question of delays and review will lead to further delays. Again, Deputy Haskins was questioning, in preparing his speech, whether in some way his political acumen was off. I would not suggest that at all but by his own admission he is a new Member and I am not in any way wishing to patronise in relation to this comment about political experience but once again, I have not sat through as many education debates as some Members here but I have sat through enough to know that the question of delay is always on the table when any proposal is before and if there is any challenge to that proposal, oh it will cause delays. The answer is normally two years because that is typically what is the advice from education officers.

I just make that point that it is always there, but what I do not understand is, with the pause and review being 70% complete five months ago and, given the work that has been undertaken since in getting us towards the preferred model that the Education Committee is going to present, how it could possibly engender that kind of delay. That just does not compute to me in any shape at all. So that is perhaps another bogeyman, of delay, in relation to this particular amendment.

I think the final point I would like to make in relation to delay, and again this is perhaps for Deputy Haskins' benefit, is that I think the greatest risk of delay is coming forward with a single model in the absence of having clear, like-for-like comparisons, and it then falls apart, either in this Assembly or on the steps of Market Square, with another green ribbon/blue ribbon/red ribbon campaign because the devil is in the detail and the community or profession do not like what they see.

We know this because it has happened three times before in relation to education. It has happened twice before in relation to the waste disposal proposals. The only way the waste disposal matter was settled was by having full side-by-side comparisons so that our predecessors, of which I was not one at the time, were in a position to look at those and say, 'Okay, we have got the facts, now we are going to plump for this as a solution by a majority and get on and implement it.' We have to learn from political history and experience, even if we did not participate in it ourselves, given the sorry story that education has had over the last 25 years.

**The Bailiff:** Now I am going to turn to the Vice-President of the Policy & Resources Committee, Deputy Soulsby, to reply on this amendment. Deputy Soulsby.

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

I thought it was interesting Deputy Bury, at the very start in her excellent speech, I have to say – it really was well-reasoned and was excellent – that she could only go as far as she did with the amendment because she did not want to go further than the Propositions. Well, they do still. The amendment really does still go beyond the Proposition. It is asking for changes within what was set out in the Proposition, which is just to say for or against.

But we knew that. Policy & Resources Committee knew that. We had been advised, taking a purist point of view, these amendments and Amendment 1, they go beyond the Proposition. But we thought that, as far as the amendments relating to the rescission of Resolutions is concerned, we should not take an interventionist approach as a Committee and rather it should be the will of the Assembly that prevails.

That is why you have heard various different speeches from Members of the Policy & Resources Committee, so we do not have an over-arching view on this amendment and just allowed the debate to happen. And I am glad we did because I think it has been so important that we have this debate today and it is not left. I think things have been delayed when it comes to big decisions and I think this is one of the important decisions how direction goes and then it is too late and things get built

930 up and everybody gets more and more built up instead of saying, 'Right, let us put a marker in the sand and move on from there.'

That is why and I hope Members appreciate why we decided we were not going to be purist from that point of view. What I am going to say now is more from a personal point of view. I have really felt over the last eight years more and more like the Peter Finch character in *Network*, I do not know if some younger Members of the Assembly will know the film, basically he was anchor-

935 man in a studio, went completely mad and said he was as 'mad as hell' and he could not take it any more.

That is how I have felt over education debates over the last eight years. I have had enough of the talk about buildings and parking spaces and classroom sizes and how many children of a certain size can you get in a classroom. It has got absolutely ridiculous and we just have not been focussing on what goes on within those buildings enough.

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You can probably guess, I do not have an ideological viewpoint on how many buildings should be there or about education. For me it has always been about being told the evidence and taking the decision on that basis. I did support selection. It was not ideological, it was purely from having seen how well the Grammar School was working. It was on no other basis than that. But actually I have more and more seen the information that has come and I am very much happy that selection has gone. As I say, it was not ideological for me. In fact I did not support selection until my children went to Grammar School, which is quite interesting but anyway.

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I was happy with that. Selection has gone. We have done all that and that is good. I think even in this room, some people, like Deputy Ferbrache, less so, and I know Deputy Dyke was saying we should have done it. But we have done it now. We have made a mark in the sand, we have moved on. Decision made. Yippee! It took how many years for that? How many years? Deputy Roffey might know because he has been in the States through many of those debates on selection. But a good few decades I would probably say.

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Then we moved onto the number of buildings and then it was four schools, then it was three schools and then different Committees, then the Committee wanted to have four schools and then amendments came along and made it look like it was going to be three schools and then we ended up with one site and two schools.

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That did not surprise me because in the debate on selection that I was in, the first one, in 2016, I think it was, I said that is fine, if you support getting rid of selection the model that makes most logical choice is two schools. Now that is not an ideological viewpoint, it is purely on the basis of the breadth of curriculum you can put forward in a bigger school. That is all it was. It seemed logical to me but nobody got that. Nobody raised, 'we do not want two schools'. It did not enter into the debate at all about whether we wanted selection or not. If you go back to *Hansard* you will see that I said back then the most logical structure of buildings that you have would be two schools.

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So then roll on last term and we started off, three schools, I think, and then we ended up with the two schools, which I did support on the back of my understanding, which was borne out in the policy letter, that two schools made sense. Then we moved on and then we had the pause and review.

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I did not support the pause and review Requête. Not that I did not understand what the requérants were trying to do and clearly there were issues that had been built up, but I did not think the wording was right and actually tried with a number of other Members of the Assembly at that time to see whether we could find a middle way to stop this one against the other.

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It did get quite nasty. I was just seeing what we could do to see if we could get a compromise. That did not happen. We had Deputy Le Tocq's amendment, which really I think, if we had gone for that, looking at that time, then we would not be where we are now. I think that might have been a compromise that would have got us where we are.

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But the last Committee did not compromise, it would not back down from that. I think that was a mistake then and I think it was ultimately its downfall. But we are where we are. We have gone through all this debacle and, as I say, I have done so without any ideological baggage whatsoever. I have tried to see what I could do along the way to get things to work.

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Then we moved onto the Election. There was a clear decision to consign one site two schools to history. It is dead. It is join-the-choir-invisible, it is pushing up the daisies. I think. I am sure when the policy letter comes back to the States in May that it will not be brought up. I suspect it will not be brought up, but who knows when it comes to education debates.

Now we have a new Committee who has got to lead on this. It still has to wrestle with something that has eluded everyone before them and that is what an acceptable model of secondary education is. So, on the back of that, when Deputy Dudley-Owen asked if I would like to provide some support, bounce ideas off with Deputy Mahoney, when they were discussing secondary education, I must have been thinking something else at the time, nodded, and said, 'Yes, I am happy to help out.' I am sure Deputy Dudley-Owen will agree that we, both Deputy Mahoney and myself, have put forward some robust challenge to what the Committee has been discussing.

It has been interesting. I have not been able to go to all the meetings because of clashes and very last minute, 'Oh, by the way we have got a meeting', but we have participated and I am expecting that will continue.

Now Deputy Helyar and Deputy Mahoney, fellow P&R Members, said this was about trust and I have to say I was very much assured by what Deputy Dudley-Owen said. I think she did fill in a lot of gaps for me because I think a lot of the debate has been, 'We need this for review. We need all this information.' But not understanding what the information is we actually need to make a decision.

However, I have to say that her Committee will need to demonstrate what she has said is true. As I said in my opening speech for the debate, fine words do not actions make. Trust is hard-won and easily lost, too. I do not believe this amendment is a wrecking amendment in any way, shape or form. I think it was absolutely right that this amendment was laid so that we could have this debate now. I think it was totally right to do so. The Resolutions put forward for rescission were major decisions that were made. They are in a plethora of Resolutions as well, which I talked about before. But I think, as I say, so the Committee knows the will of the Assembly and can move on under its direction.

I think we need to go back to that. It is what I was trying to say in my opening debate about this plan. It is the Assembly's plan and this is why it is absolutely the time to have this debate, to have these Resolutions, say what direction do we want this plan to go? That is why I think this is what the Committee needs. It needs to know that this direction is right.

So I have to thank Deputies Bury and Gabriel for laying it and I think it was quite brave doing so, actually, particularly two first-time Members. It is a well-written amendment, as well, to just get it out there and nuance it in the way that they have done. It has been a really difficult decision for me because this was a decision of the last States, and I totally understand that but at the same time I have been wrestling with the evidence telling me that people do not want one school on two sites and they do not really want that review and why we are comparing everything with that old model. I want things to move forward.

I believe, after six months and having worked with the Committee, it is fair that trust is put in them to enable a policy letter to come to the States as soon as practically possible. It has gone on too long. My children have gone through the secondary education system while I have been sat in this Assembly listening to endless debate about the sizes of classrooms. And I have had enough. It is absolutely true.

I do hear Deputy Burford's well-reasoned point, though, that we need all this information because if we do not have information it will all get picked out, we will move it again. That is what Deputy St Pier was saying as well and it is a really strong argument for me. I totally get it because I know where we have been before but quite frankly I do not think having all the information would – and I think you could probably dig it out of all manner of old policy letters and work that has already been done – that would make a ha'porth of difference. I think this will be down to the information that will be provided, so long as we have sufficient information to make a reasonable decision via the Committee and I think that is where this lies.

It is incumbent on the Committee *for* Education, Sport & Culture to put forward a well-reasoned policy letter with the information that will enable us to make that decision then. It is not going to be easy and it is taking a risk doing this. But as I said in my opening speech, we need to increase our risk appetite and that is what I think. I am afraid I cannot support the amendment today and I put my trust in the Committee.

**The Bailiff:** Now I will turn to the proposer of the amendment, if she is ready to reply to debate, Deputy Bury.

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

This is my first go at summing up, as everybody will know. Although I have often seen my colleagues do so by addressing each speech in turn, I am almost certain that no one wants me to do that! *(Laughter)* So I think instead the summary is quite easily grouped into the broad themes that have come up again and again. I think it is perfectly right just to address a couple of points that did come up obviously in Deputy Dudley-Owen's speech as the President.

She was disappointed that I did not get in touch or neither did Deputy Gabriel and that is a learning for me, as a 'junior Member of this Assembly,' I think was how she referred to me. But as we had sought questions ... No? Did I mishear that? Okay. Well, it is still a learning, regardless of my status. But we had sought questions in the Assembly and information had not been that forthcoming, so I was not confident. But, in future, that is good learning for me and I will contact directly.

But trust was something that Deputy Dudley-Owen started with and it did become a theme as time went on. In fact, Deputy Mahoney said that no one had mentioned trust yesterday. Well, that is not true, because I did mention trust in my speech in the fact that mine had been eroded, as had many parents over many years and, as Deputy Soulsby just said, it is easily lost and hard won. So, I did mention yesterday that was why there was a lack of trust and that is not a reflection on the current Committee, it is because of the history.

Onto the key themes. As expected, there was much focus on the two-school model and the implication that a vote for this amendment is a vote to retain it as an option. I tried to lay out that that was not my intention and the motivation and aim was transparency, good governance and informed decision-making and I think it was cited by Deputy Prow that the supporting report to the amendment actually used the phrase 'politically undeliverable', so recognising that fact. So as Deputy Roffey and Deputy de Sausmarez alluded to, that really is all the more reason not to be afraid of talking about it.

They and many others reminded us that due to that politically undeliverable status and, more to the point, the promises of many people in this Assembly, it is not going to get you just by including it. I think fundamentally we can recognise that we can accept that the two-school model is not wanted while also including it in the review. They do not need to be mutually exclusive. All of those comments focussed on the two-school model did seem to skim over the fact that the review includes several versions of a three-school model.

Moving onto the conceptual, hypothetical does not exist benchmark baselining argument. I still have not quite got my head around this one. Because, as has been so rightly pointed out by various colleagues, none of the proposed models exist. That does not mean we cannot still compare them alongside each other in an objective and practical way to weigh up the pros and cons.

I am not giving way, Deputy Meerveld.

I fundamentally disagree with comparing to the current model. Actually, no, it is not a model, it is a transitional arrangement that we know is unsustainable and unsatisfactory and, as Deputy de Sausmarez very astutely pointed out, there is no equity in that system. There are wildly different curriculums and facilities at play across the current transitional system, so I do not really see how that can be deemed to be an appropriate benchmark either. So, since there is no real perfect benchmark, why not use the one that we already have in place and that has been worked on for the last 12 months?

1085 There was quite a lot of reference to using the review would incur extra work and going backwards and extra money. Unfortunately that argument has only left me with more questions. The review has been underway since March 2019, it was not far off complete in October, so I do not see how in March 2020, that completing it and publishing it will cost more money. Surely not to use it would be the real waste of all that time and money that has been spent on it up until now?

1090 **Deputy Dudley-Owen:** Point of correction, sir.

**The Bailiff:** Point of Correction, Deputy Dudley-Owen.

1095 **Deputy Dudley-Owen:** I do apologise to Deputy Bury for doing this because I know it is very off-putting but I just wondered if she could look at her dates, please, because we are now in 2021? Just the dates of the review starting, etc.

**The Bailiff:** Deputy Bury to continue.

1100 **Deputy Bury:** Okay, essentially the point that I am trying to make is that it has been worked on for a year, so I do not see how it could –

**Deputy Dudley-Owen:** Point of correction, sir.

1105 **The Bailiff:** Deputy Dudley-Owen, point of correction.

**Deputy Dudley-Owen:** That is not the case. The review was not started immediately following the Resolution to go ahead with it.

1110 **Deputy Bury:** Okay, I think everyone wants us to move on so instead of getting stuck on the dates, it has been worked on for a while. As it has been said, the motivation behind that argument I think was that somehow, in order to publish the review that would be the thing that causes delay. I do see what my colleagues are saying there but I think they are looking at delay immediately, now, and I am foreseeing delay further down the line, as has been mentioned by my other colleagues when the details start to come out. I feel we should with the details now to prevent those delays.

1115 But I think perhaps, and maybe this speaks to Deputy Dudley-Owen's point about how long it has been being worked on that perhaps it has become apparent that work may not have continued on the review, which considering that the Committee were under Resolution to do so, I find quite surprising.

1120 I naturally assumed that they were still working on it, considering they were under Resolution, so it is unfortunate that now, as proposers of the amendment, we are being the ones that are being accused of causing delay, if this is to pass, when in fact I naturally assumed that the report would nearly be complete.

1125 So, moving onto 11-18 education, I think it is important to address this matter, as it was brought up by quite a few colleagues and because we know this is really what we are set to lose here, potentially, and I have heard many strong arguments over the course of the last few years from educationalists and experts for 11-18 education and we now know that is what the ESC Committee are recommending.

1130 So, while it might be agreed that the two-school model is dead, I do not think that the same has been said for 11-18 education and again, in Deputy Le Tocq's speech, one of the points he made that he was so keen to see that at least compared, that if he did not, he may have to lay an amendment. That is my example right there of that further delay that I am seeing down the line.

1135 What will we and will we not see? There have been reassurances from Deputy Dudley-Owen as to what we will receive, which I think are welcome and have shown why this debate was important to have. But we did have reassurances from Deputy Dudley-Owen late last year that we would get

the review, so that in mind, the only real assurance we can give ourself is to have the Resolutions remain extant and then we can be sure of the criteria according to the direction laid out in the Resolution.

1140 This takes me back to an original point that I made and that has been made by various colleagues, that it does not feel like we are on our way to a different process. It feels like we are on our way to the same process but with the addition of an appendix and that process has not worked. I did not include it in my original speech as I was trying to stay measured but Deputy Roffey reminded us that doing the same thing over and over again and expecting a different outcome is indeed Einstein's definition of madness.

1145 Moving on to stakeholder engagement and professionals and teachers. Colleagues on both sides of the debate have referenced this and I am grateful that we all recognise that it really is of vital importance. I think one of the most pertinent points on this was made by Deputy Inder. While I know he is not for turning, it is an important point, because he asked Deputy Dudley-Owen for reassurance that the unions and professionals were by her side on ESC's plan and I just do not think that she can offer that reassurance.

1150 Local unions have spoken out in the media this week, asking for the review, and also saying that they do not feel there has been enough information on the new proposal, enough meaningful consultation with the new ESC and have further voiced concerns over the timeline for the consultation period between now and the publishing of the policy letter, which I think it was Deputy Haskins advised is already being drafted, when that consultation has not taken place.

1155 So, in summary, it has been comforting to hear the arguments from both sides, the feeling and the passion, that we all want the same thing here. But in a similar way that Deputy Ferbrache mentioned that you can agree on arguments but come to a different conclusion, conversely we all want the same destination but we disagree on the way to get there.

1160 Finally, sir, I will remind my colleagues again, through you, that voting for this amendment will give us the absolutely solid reassurance of the data that we will receive. It honours a commitment made to the public and the professionals and will ensure we do not find ourselves in a void whereby we only have the information that ESC deemed to be relevant. As Deputy Gollop said, without it I do not feel that the arguments will go away.

1165 As I said in my opening speech, surely this amendment brings us the best of both worlds? The flexibility that has been built into it means that ESC can provide what they wish to provide while we still get the objective like-for-like review that was promised. That is transparency.

Thank you, sir.

1170 **The Bailiff:** Thank you very much. Members of the States, we come to what will be a recorded vote, because that was requested early on in this debate, on Amendment 2, proposed by Deputy Bury and seconded by Deputy Gabriel. Recorded vote, Greffier, please.

*There was a recorded vote.*

*Not carried – Pour 15, Contre 24, Ne vote pas 1, Absent 0*

**POUR**

Deputy de Sausmarez  
Deputy Fairclough  
Deputy Falla  
Deputy Gabriel  
Deputy Gollop  
Deputy Kazantseva-Miller  
Deputy Matthews  
Deputy Oliver  
Deputy Parkinson  
Deputy Roffey  
Deputy St Pier  
Deputy Trott

**CONTRE**

Deputy Cameron  
Deputy de Lisle  
Deputy Dudley-Owen  
Deputy Dyke  
Deputy Ferbrache  
Deputy Haskins  
Deputy Helyar  
Deputy Inder  
Deputy Le Tissier  
Deputy Leadbeater  
Deputy Mahoney  
Deputy McKenna

**NE VOTE PAS**

Deputy Le Tocq

**ABSENT**

None

Deputy Brouard  
Deputy Burford  
Deputy Bury

Deputy Meerveld  
Deputy Moakes  
Deputy Murray  
Deputy Prow  
Deputy Queripel  
Alderney Rep. Roberts  
Alderney Rep.  
Snowdon  
Deputy Soulsby  
Deputy Taylor  
Deputy Vermeulen  
Deputy Aldwell  
Deputy Blin

1175       **The Bailiff:** Members of the States, in respect of Amendment 2, proposed by Deputy Bury and seconded by Deputy Gabriel, there voted Pour 15, Contre 24, one abstention, and therefore I declare Amendment 2 lost.

**Procedural –  
Extend morning sitting and move start of afternoon sitting –  
Motion carried**

1180       **The Bailiff:** Deputy Ferbrache, you have leapt to your feet.

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

          I see we are now at nearly 25 to 12 and there are four more amendments plus general debate. It is only to deal with the timetabling now rather than leave it until 25 past 12. Can I suggest – a matter obviously for you and for Members – we extend this sitting to, say, 12.45 p.m., for example, and resume at 2 p.m., again for example?

          I would just put forward a caution in relation to that and I am the only political Member appearing on the panel today, I will be disappearing at 12.30 p.m. because we have got the CCA broadcast at Beau Séjour and might be a bit late back. Those are my requests.

1190       **The Bailiff:** Members of the States, I am going to put the motion to you that we, first, sit until 12.45 p.m. rather than rise as near as be to 12.30 p.m. Those in favour; those against?

*Members voted Pour.*

1195       **The Bailiff:** I will declare that carried. Then that we resume after lunch at 2 p.m., rather than leaving it until 2.30 p.m. Those in favour; those against?

*Members voted Pour.*

1200       **The Bailiff:** So we will have a shortened lunch hour, 75 minutes instead of the usual two hours.

**Government Work Plan –  
Stage 1 –  
Debate continued**

*Amendment 1*

*In Proposition 7, to delete the semi-colon and substitute therefor: "with the exception of the Resolution numbered 109, which shall remain extant insofar as devolution is concerned, while acknowledging that the number and age range of each school and/or college will be determined by the States in due course;"*

**The Bailiff:** Next amendment is Amendment 1. Deputy Roffey, is it your wish to lay that amendment now?

1205 **Deputy Roffey:** It is, sir.

**The Bailiff:** Do you wish to have it read or do you just want to launch in?

**Deputy Roffey:** No, thank you, sir.

1210 I am sure all Members have studied the amendments with alacrity in the run-up to this debate. In some ways it is disappointing that yesterday and today have been dominated by education because we really should be talking about the broad thrust of our Government Work Plan and where it should be going.

1215 But the fact that the process includes a mechanism for rescinding existing Resolutions means that it is incumbent on Members who believe that Resolutions that should not be rescinded as put forward are subject to amendments such as this. But I am keen to get onto my very long speech on general debate as soon as we can. But let us focus on this first!

1220 Firstly, let me make quite clear what this amendment does not seek to do, there are three things it is definitely not. Firstly, it is not an attempt to make ESC accept the contents of the new Education Law as currently drafted, which they inherited, without making sure that they support its contents. While it is true that that piece of work was produced by a set of Guernsey's leading educationalists based on best practice internationally, it is obviously crucial that the new political Committee should be able to put their own stamp on it. Nothing in this amendment will stop them from doing so.

1225 Secondly, it is not an attempt to impose a timetable on any debate on the new Education Law, even though, heaven knows, it is decades overdue. And there is absolutely nothing in this amendment which seeks to set such a timetable. Thirdly, there is nothing in this amendment which seeks to prejudge what sort of model, as we have just been talking about, of secondary education should be adopted.

1230 Now the original Resolution on LMS, local management of schools, was drafted on a presumption of moving to the so-called two-school model. That was natural as it was official States' policy, still is today. This amendment definitively breaks that perceived link. Absolutely breaks it and makes crystal clear that in supporting the principle of the local management of schools that it does so under whatever model and that a completely separate decision on school structure remains to be taken by this Assembly.

1235 So, all this amendment is saying is that when ESC bring back proposals for a new Education Law, and we have been told that will now be within the next 18 months, that the concept of meaningful devolution of governance should definitely form part of those proposals, whatever model we may have adopted by then.

1240 I hope that is really not particularly controversial for three reasons. First of all, the idea of moving to LMS and devolved governance, has been a consensus policy of successive States for over a decade now and I think it is very regrettable it has taken so long to actually bring about in reality.

Secondly, because the reason for that consensus has not been ideological in any sense but practical. LMS is a proven benefit in seeking school improvement and I will return to that in a second.

And thirdly because so many candidates stood for election just a few months ago on a policy of supporting smaller Government wherever practical and I agree with them.

Not because I do not see a significant role for Government when it is something they can do best and that is often the case, but because wherever practical it is desirable to free activity and service delivery from the bureaucracy of centralised control; from the dead hand of Government procedures, from the stultifying effect of those with a real expertise on the front line not being able, not being empowered to actually get on and deliver.

The governance and management of schools is an absolute classic example. At the moment, if a school principal wants any variation in the way they spend their budget, they often have to go through the Education Office. I could give 1,000 such examples, but I will limit myself to one, given that we are where we are time-wise.

Say they have identified, the principal has identified, that a particular year group needs extra support and wants to employ an extra learning support assistant or two. They may well have identified the ideal funding mechanism to allow that to happen by saving under a different budget heading. So their total fixed budget would remain the same but they are not allowed to just get on and do it, they have to justify that action and that re-use of the money, not just through the Education Office but, because in this case it comes to employment issues, it is far worse than that because of course ESC do not employ school staff, P&R do.

Now central HR may well mean well. In fact I am sure they do mean well. But their processes are stultifying for a school leader, an inspirational school leader, wanting to get on, run their school, be responsive and proactive. But the current system of governance is far worse than just being bureaucratic, just bureaucracy getting in the way of what should be routine choices made by school principals and leadership teams.

The way in which it really threatens standards is by deterring good candidates from applying to be school leaders in Guernsey and by making it harder to retain them. This is serious because, as Deputy Dudley-Owen said this morning, it is not school buildings that really make great schools, it is what goes on within them.

If I had to identify, in fact if all of us had to identify three top factors in creating a high performance school, then we all know what they are. Leadership, leadership and leadership. So it is crucial for our schools to have inspirational leaders and to empower them. The trouble is that our school leaders are currently emasculated. They are disempowered. Can I still use the term emasculated? Well, I have done, so there we go. Anyway they are disempowered.

If they are recruited from just about anywhere else in the world, they are used to being able to use their skills and insights and abilities to improve educational provision by decision-making on the front line but they come to Guernsey and they are hamstrung and that has three dreadful impacts.

Firstly, it makes it harder to recruit the best because who in their right mind, who is used to using their judgement and making a real difference, will settle for a post where they know that they will be hamstrung by centralised control and demand. Secondly, we will, and indeed we have, sadly, lost good school principals out of sheer frustration for that reason. And thirdly, even if we do manage to recruit and to keep them, we are not taking full advantage of their talents.

So much, sir, for the advantages of LMS at the school leadership level. But there is another equally important advantage to genuinely devolved governance and that is the quality and focus of those carrying out the governance function. Obviously, school leadership teams have to be accountable to somebody. The question is whether that governance is best carried out by politicians responsible for 20 such schools or by boards of governors specially selected for their relevant skill set.

Can we doubt, Members, that it is the latter? Firstly, no one can really know 20 different schools well enough to be responsible for their governorship. Even if they carry out school visits weekly during school term time they will only be at each school two or three times a year. It is nowhere near enough to carry out the functions of a school governor properly.

1295 Secondly, and this has echoes of where we were with the management of States' funds yesterday. Secondly, when people vote in a General Election, they are selecting their Deputies for lots of different reasons. It may be because they agree with their political ethos, it may be because they know them sometimes or the promises they make they hope they are going to keep or that youthful photograph from several years earlier on the front of their manifesto. There are a lot of reasons why  
1300 people vote the way that they vote. The one thing they are definitely choosing them for is their skills as potential school governors, or financial fund managers come to that.

By contrast, under devolved Government, under local management of schools, the boards of governors are hand-picked for their appropriate and complementary skill set. They are absolutely recruited for that reason because we know they are going to be really good at doing just that. It is  
1305 simply, inherently, a far stronger and more suited team to hold the school leadership to account and that has been proven elsewhere where local governments have been taken out of the picture and school governors have been put in their place.

In closing, I would like to say just one more thing. On all sorts of issues, the current ESC has made the plea to us to be unencumbered by outside influences, to be allowed to own the process, free from too much micro management from the States. Well, I can see where they are coming from. I think that is natural. I think that is how we all feel on our Committees.

But the reality of a system of Committee Government, where all of those Committees are subservient to this whole Assembly, is there is a tension between quite rightly not micromanaging but still the need for this Assembly to provide some high-level direction and that is exactly what the  
1315 States have done previously on this issue.

They have never meddled with the detail. They have never done ESC's job for them. But they have given them high level guidance that they expect to see meaningful devolution of school governance introduced. Now that official, high-level guidance from this Assembly will disappear if we do not pass this amendment, if we rescind the Resolution completely on local management of  
1320 schools.

If that is what this Assembly wants to do then fine. If they want to scrap the consensus of the last decade that we should aim for a local management of schools, of course that is Members' democratic right. But personally I think it would sit very uneasily with all those election promises about achieving smaller Government wherever possible.

This amendment ties no one's hands about school structures or exact governance structures. In fact, I think the two would be inter-connected. I do not think we can design any of that governance structure until we know what the school structure is going to be. All it does is retain this Assembly's publicly stated aim to see less bureaucratic, centralised control of Guernsey's schools, in order to liberate the talents and full abilities of the school leadership team. Now if Members want to rescind that, if they want to rescind that as a stated aim, it is their right. But personally I would find that  
1330 completely unfathomable.

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

1335 **Deputy Le Tocq:** I do, sir, and reserve my right to speak.

**The Bailiff:** Deputy Dudley-Owen.

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

1340 I thought I would rise early in the interest of expediency and I will be brief.

The amendment requires the Committee to retain a Resolution, which has been requested for rescission due to the fact it was designed to suit the widely rejected two-school model, a policy direction of the previous Committee.

This Committee, like others, was requested by Policy & Resources to review extant Resolutions. Members will understand that we considered this request through the lens of throwing off the  
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shackles of the rejected two-school model, due to its widespread unpopularity. Since this would simply ensure that we would not be able to move the narrative forward.

1350 We are committed to delivering a policy letter for the new Education Law to this Assembly in an 18-month timeframe, which will include a hook on which to hang a governance framework. We have already begun the work necessary and therefore, sir, the Committee will not be supporting this amendment.

1355 The extant Resolution is amongst the rescission list for two reasons. One is that it was drafted specifically for the two-school model and the other is that it ties the Committee to deliver the Education Law as an immediate priority. It would have been really helpful to have had some contact with Deputy Roffey in advance of him laying this motion to have those important conversations. I did have the opportunity to speak to Deputy Le Tocq about the content of the amendment, during a meeting, and I did not actually know the amendment had been laid at the time and I realised, actually, in the course of our conversation. But I got the impression he was positively surprised regarding the Committee's open position on progressing the work.

1360 But this gives me an opportunity today to dispel some myths that have been sown about the Education Law work over the recent months. Firstly, that the Education Law policy letter is ready to go. That is wrong. It is not. There are some 37 proposed Resolutions and 162 pages of policy consideration in the draft policy letter prepared by the previous Committee and circulated at a minute to midnight on the eve of the outgoing President's last day in the States. Something of a theme that has emerged.

1370 It is indeed something of a heavyweight in the making and, whilst a large amount of work has been done, it is far from ready for presentation to the States. There is a glaring omission of a sizeable and complex area relating to this matter on governance, not to mention other sizeable issues such as SEND, revealing that any assertion that the Law is ready to go or the policy letter is a considerable exaggeration.

This is before the Committee even applies some critical thinking, which has been acknowledged by Deputy Roffey today, to each of the numerous policy decisions in order to understand, challenge, approve, amend or discard as it sees fit, so that the policy letter can be appropriately owned and completed

1375 A second myth, the draft legislation is ready to go. Wrong, it is not. Deputy Roffey has stated on record that there has been considerable pre-drafting work done on the proposed new Law. So, in order that this Committee can get an objective view on the matter, I asked Deputy Helyar and our non-voting Committee member, Advocate Jason Green, if they would kindly spend some time looking at the drafting notes provided by previous HMP Howard Roberts.

1380 I will leave Deputy Helyar to make any comments that he would like to, separately, on the matter. But Advocate Green has provided me with his opinion and given me permission to quote from his findings. He says:

I have also reviewed Howard Roberts' drafting notes and the very early stages of a draft Law. Whilst a significant amount of work has clearly been carried out to date and strong foundations have been laid, I do not consider that it is yet over-ready for States' approval.

1385 We have also, as a Committee, sought additional legal opinion from St James' Chamber, which makes the same assertions. And this takes me onto the last myth, that I am not in favour of devolved governance. Wrong. It is rather odd being told what you think but it seems to be quite often that commentators would rather presume my views than ask me. So it is really good to be able to say what those are on the matter now.

1390 Devolution is a complex, technical process, requiring a model to work with, a worked-up budget formula and, importantly, capability. It also needs extensive consultation with the profession, starting from the outset. You need to know what problems you are trying to fix and what devolution might actually solve.

The Mulkerrin Report undertaken a decade ago has taken us on a status rather akin to the GFSC handbook, something which must be adhered to come what may but recommendations are just

that, recommendations. They are not law. Arguably it is out of date and things have changed a great deal. Many of the recommendations were pushed on.

I am not trying to discredit the review, because it was hugely helpful at the time. But it was just one individual's point of view and it was written from a third party perspective because, whilst Mr Mulkerrin is from Guernsey, none of his career was spent locally. That is important because the Mulkerrin Report went further than talking about how to strengthen governance and he also gave a recommendation to include the system, the framework, which was local management of schools and that is a UK system for devolved governance.

But it was never clearly articulated in the Guernsey context and that is where many of these complexities are. It is much more than just financial autonomy and there are risks, as well as opportunities, to be explored. Whilst this work has not been done, this Committee really looks forward to exploring those risks and opportunities and taking on this challenging work.

I agree with many of the comments made just now by Deputy Roffey and I have every sympathy with the proposers of the motion in making sure that the governance provision is in the new Law. I can assure them that this Committee will indeed do that but we do not need a Resolution to achieve it.

Please, I do not want Members to be under any illusion. There is a sizeable amount of work for my Committee to do in this area before it is ready to come to the States in the timeframe we have stated. So I ask Members to trust me, to trust this newly elected Committee and to take us at our word. The amendment is not necessary. Please do not support it, we are doing the work.

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, as Deputy Helyar said in a previous debate, I trust this Committee, I trust the President, I trust each Member, so therefore I am not going to vote for this amendment. Deputy Dudley-Owen has laid out the vast amount of work that her Committee has to do and they are picking up something that was left behind that, frankly, should have been much further advanced than it was and they are doing a really good job. Let them get on with it.

But what she did say, I think if I understood her correctly, about 18 months' time, this is the time it will come back, we can look at it then. But let me say this to Deputy Roffey and others, I very much support the principals. Get away – generally, but in this case specifically – from the stultifying effect of central bureaucracy. It does not work. It never will work. It is a mediocre way of doing things, with mediocrity. I do not know if that is such a good phrase.

In relation to the points that Deputy Roffey makes we do want good leaders. Those leaders should be, in 18 months' time or 20 months' time, whenever it may be, they should be able to go out and do all the things that Deputy Roffey says. If the Education Committee does not come back in a reasonable period of time with the kinds of principles that have been enunciated and elaborated by Deputy Roffey, as long as I am still on this earth, I hope I will be in 18 months' time, then if Deputy Roffey wants me to second any amendment, I am sure that I will do so.

Thank you, sir.

**The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Yes, sir, and thank you.

I would like to ask Deputy Roffey whether, in fact, this is a back door to further rationalisation in the number of schools over a longer period? This whole matter of LMS could lead to a lot of competition between schools and investment by wealthy individuals, which could actually impact on recruitment, teaching staff and also of course the number of pupils per teacher within a school, which in turn can lead to people preferring a certain school or certain schools in comparison with others and others falling by the wayside.

Now, one of the advantages, of course, of centralised Government control, is that you do go for a certain equality across the board in terms of resources spent in those particular facilities and the

recruitment of teachers, conducted through an equal basis, if you like. So, my question there is, what is the *modus operandi* behind this and is it in fact a way of moving from four to one or two secondary schools in the future?

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**The Bailiff:** Deputy Oliver.

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

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I agree with the principle of this but it is just too much, I think, for ESC to do this all in one go and I think that we need to establish what schools and how we are going to do that first before we actually bring this back. So, I think, just trust ESC on this and let them get on with it.

**The Bailiff:** Deputy Gollop.

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

I have already said and I will repeat it, that I was very happy to vote for ESC and trust and have confidence in the Committee, although it did not go unchallenged. Deputy Matthews also stood for the Committee and I think he would have been an excellent Member of the board too.

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But I think Members past and present, including I think Deputy Ferbrache, Deputy Trott and others present today, know that deep down I favour more of a parliamentary accountable system of government and a ministerial system of government and in that context you can perhaps delegate policy to a cabinet of ministers.

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We do not have that system. The majority of the public, the majority of Members, have not wanted that and if you go to the logical conclusion of some of the speeches we have heard today, we would come to the view we should not make Resolutions at all, we should just appoint a committee of people we trust and allow them to get on with the whole board area.

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Then we end up with all these Resolutions and we are having to decide which ones should survive and which should not. Surely, the principal criterion for removing a Resolution is that it is otiose and no longer required or desired. I would imagine virtually every Member of the Assembly, possibly with the exception of Deputy de Lisle, is broadly keen on the evolution in one form or another of governance towards less bureaucracy, less centralisation and more local management of schools by people who are able to do that role rather than, perhaps, parish politicians or States' politicians.

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Now I kind of have listened to what Deputy Dudley-Owen and Deputy Roffey have said and agree in part with both, but not in totality, because Deputy Dudley-Owen very vigorously has said that she does not believe politicians should be interfering with education. I am old enough to remember the old Education Councils that were alluded to, with their nine members, and I was astonished that many of their committee members would depart other committee meetings of which I was a member, say, 'I cannot make tomorrow because I am off to do another recruitment for a deputy head teacher ...' somewhere or other.

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The politicians were kept really busy interviewing people on a human resources level and they were ignoring more fundamental issues of style of examination, of standards, perhaps, of maintenance. That did not work and we do not want that era back again. But what we do need is a clarity about where the centre is and where the schools are.

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Deputy de Lisle, rightly, is concerned about the loss, perhaps, of community schools, neighbourhood schools, rural schools and, in fact, Jersey and the Isle of Man, for example, have more of them than us. I think we actually run quite a slim Education Department in that respect. I presume this amendment, although I could be corrected on this, the original Resolution applied to secondary schools and primary schools.

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He pointed to maybe the undesirable effects of a careless introduction of this, which would be competition and chasing teachers with salaries and things. I would not want to see that at this stage and I think there are many ideas about greater independence to happen. I too, if I am honest, was disappointed the Education Law was postponed because it was something we on the Legislation Select Committee were keen on 10 years ago when Deputy Stephens was first a Member.

Also it is useful, the Education Law, for Employment & Social Security. But at the same time, I believe the Education, Sport & Culture Committee have the right to set their priorities and there is a sense that it is better to get the system up and running with all of the bits and the design before you go back to the Law because you risk spending time on something that is not complete and I entirely endorse what the President says that the draft that was done by the previous Committee needed further work and significant analysis.

But where I am coming from on this is I do not entirely go with the Education, Sport & Culture view that there are not political roles. I remember being bemused by a former Education Minister in the United Kingdom, the Rt Hon Michael Gove because he was one of those people that was really instrumental in wanting perhaps to interfere with the curriculum.

But what did the Education Committee, not this one or even the previous one or the one before that – but the one before that, the one that Deputy Sillars, at the time, led. They spent a lot of time on the curriculum. It was a major political evolution and then the last Education, Sport & Culture Committee went back to it with a new start.

Now I am impressed the new Education, Sport & Culture Committee have been working on a high level of outcomes and philosophical thinking about the ecology of schools and how we can build better standards and motivations and special needs and aptitudes. But at the same time I do not believe the only way of achieving that is through the central Education council or department.

In any case, looking at history, those officers have retired, they were chief officers back in the day, La Couperderie has closed down, we have an integrated transformation of the Civil Service, we have directors and people in place across all States and therefore that is another reason, not just the excellence of the career of Mr Mulkerrin, to continue with this workstream of looking at the relevance of local management of schools.

Because whether you support a model with greater competition or greater involvement by community activists or specialists or emphasis on standards for schools, you actually need the local management issues. We saw with the College of Further Education, Guernsey Institute, a little bit of a softly-softly approach which ended up not really being given the political direction it needed and we do not want to repeat that here.

I think the message, I would say, is it is too early at this stage to abandon the Resolution because I think you need political direction, actually, for recruitment, for human resources policies, because that includes, for example, competitiveness of salaries. How can we say the politicians have no role there when what might be offered in terms of pensions and package is a factor and also bureaucracy in achieving that?

Any Government is going to want to have a say about curriculum. Any Government would be wanting to have a say, I would say, about ethos. But the delegation of day-to-day issues, from classroom walls, to space, to sports teams and so on, is in my view not best done by politicians but nor is it best done by a centralised Civil Service administration that controlled everybody from a main department.

We have lost La Couperderie, we need to repurpose the building and I just think that we need to continue with the Resolution for local management of schools, rather than abandoning it at this stage.

**Deputy Inder:** Sir?

**The Bailiff:** Deputy Inder.

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

**The Bailiff:** Can I therefore invite those Members who are still entitled to speak in the debate on Amendment 1 and who wish to do so, intend to speak, to stand in their places. Deputy Inder, do you still wish to put the motion, even though the seconder of the amendment wants to speak?

**Deputy Inder:** Absolutely.

**The Bailiff:** Fair enough. Members of the States, I am going to put to you the motion that debate on Amendment 1 be curtailed at this point subject to the normal winding up process. Those in  
1555 favour; those against?

*Members voted Contre.*

**The Bailiff:** I declare that lost. Deputy Le Tocq.

**Deputy Le Tocq:** Thank you, sir. I will be very brief.

I thank, first of all, the President of ESC for her confirmation, which I knew already, and I think as Deputy Gollop has alluded to, we would find that probably the majority of this Assembly, from those I have spoken to, certainly, are in favour of the direction which the States has at least intended to  
1560 go on for some time, of local management of schools.

Obviously, a Guernsey version of the UK, I would not want to copy the UK's version, but in my mind and the reason that I was happy to second this amendment is this is something that was very clear to me, early on in my political career, when I was put on Education back in 2000. I think in those days, I can remember coming home after my first Meeting and my wife said to me, 'How did it go?' I said, 'There are over 50 subcommittees and I seem to have been put on all of them.'

Some were school governing committees and there were some subcommittees of those committees. None of which had any power whatsoever, really, and it was just absolutely remarkable that anyone should want to, from the public side, serve on them because in terms of the opportunity to influence the culture of a school, which I think parents, grandparents and members of that community should have that sort of influence but also, importantly, the teachers and the senior leadership teams at schools should be given that trust and this is something that, as many of us  
1570 said, should have been done years ago.

So, in that regard and bearing in mind what I believe Deputy Dudley Owen and her Committee want to do, I think we are agreed and aligned and, as Deputy Roffey said in the introduction, through this amendment, this is not putting a timeframe on it. Obviously, the structure and the number of secondary schools needs to be decided upon before we can move in this direction so you cannot rush this through in anyway.

But it seems to me that we are of the same opinion and on that basis I think the Committee should not oppose this amendment. I think rescinding the Resolution completely sends a wrong signal at this time and whilst we could have a debate on whether States' Resolutions mean anything or not, that is a separate issue, I think just at the moment we need to ensure that we continue in this direction and that is why I was happy to and still am happy to support this amendment.

Thank you.

**The Bailiff:** Deputy Dyke.

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

I am very pleased that Deputy Roffey has raised this subject. I think it is a very important subject. It is something that I feel quite strongly about and it was discussed in our election campaigns, or by some of us, in terms of delegation of function from the centre to the schools being very desirable. At the time I did actually correspond with someone who had set up a free school in west London who, just for your information, his advice to me was that for a place like Guernsey that might be too much but we might look at the grant-maintained model.

But my sense is that this should be for a later debate, for the reasons given by Deputy Ferbrache and Deputy Oliver that this might be a premature time for this debate and we should look at it in the context of the Education Law as and when it might be ready and be presented to us. So, for that  
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reason, I will not support the amendment. But I do think it is a very important point to discuss and I hope the Education Department will think about it very carefully.

Thank you.

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**The Bailiff:** Deputy Falla.

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**Deputy Falla:** Sir, as a recently retired board member of Elizabeth College, where I was not a pupil, incidentally, I have seen this type of governance structure work very well indeed. Having a team of governors or directors supporting and challenging a head teacher in the leadership and direction of the school and giving that school character, culture and personality.

Notwithstanding what Deputy Dudley-Owen has helpfully said this morning, I would like to see our state schools benefit from LMS because, like the private school model, it respects the leadership qualities of the head and really allows the school to breathe.

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Thank you.

**The Bailiff:** Deputy Meerveld.

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

I am far less exercised about this amendment than I was about the previous one, which I am glad was roundly defeated. Like Deputy Dudley-Owen, I support a degree of LMS and I also support the idea of a board of governors. I was proud to serve under Deputy Paul Le Pelley as Vice-President of Education at the beginning of the last term. We faced this issue. One of the first things on our agenda was issues that the schools were saying they needed more control over certain aspects.

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If I just give you an example, at that time the hiring and recruitment, HR functions had been centralised. After the interview process, now remember we were inviting teachers to come to Guernsey for an interview, they were being interviewed at other schools, it sometimes took a week or two, or certainly days, to get the final approval from HR to offer the position whilst the interview process was over.

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We were finding that we were losing good candidates that we wanted to offer a job because they had accepted another one in the meantime. But that Committee addressed that. We got it to the stage where people were being informed they had the job by delegating responsibility, approving the position, before the interview process. The head teachers were able to go back to the people they were interviewing and offer them a position within an hour of the interviews finishing.

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I know because I was in the interview. Now, that raised another issue over governance. Should Deputies be sitting in on staff interviews? Should they be sitting in on staff discipline? I was called in when teachers were in fact sacked as a result and I was sitting there and provided judgement on them. Should Deputies be sitting in and making decisions on very unique requests from parents for special dispensations, for instance, out of catchment area allocation to a different school, and I would say no, on all three of those, it is not appropriate for Deputies to be called in.

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As Deputy Le Tocq said, the Committee is drawn down into these subcommittees. There are a huge plethora of them and it is massively time-consuming and I think it would be much better to have a board of governors in place who make those decisions, who get involved in that school's life and its functioning and help guide the character and nature of that school, add to the character. I am fully supportive of that.

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Local management of schools. Absolutely. But then again I had that conversation with the head teachers. I said, okay, local management schools. In its purest form it is an independent business. It gets given an allocated budget at the beginning of the year, that school has its own accounting staff, it does its own books, it orders its own paper, it can even be as extreme as deciding its own curriculum and examining bodies under which it will perform.

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When I spoke to head teachers about that, they said, 'No, that is not what we want. We do not want to be ordering paper or making decisions over examination boards. What we need is a

discretionary budget.' What the real request was, when it boiled down and we looked through all the different issues, give them greater responsiveness on the HR issues, that was absolutely critical, which was done by a change in process from the centre, and they wanted a discretionary budget that they could allocate where they wanted to, whether it be patching up a stain on a wall or helping an under-privileged child go on a trip that could not afford to otherwise.

They wanted to have some more flexibility in the budgeting ability and some control over that, rather than total control over running it as an individual business and effectively then becoming a director of a business with a non-executive board sitting above them.

So the point of entry here is I am not particularly exercised about whether this is supported or not because, as Deputy Dudley-Owen has said, it will be done. It is something the Committee supports, I support, other people in this Assembly will support, the teachers and the unions support to some degree. The problem is the devil in the details.

If we are going to do local management of schools at what level is it going to be done? What degree of autonomy and what breadth of autonomy? Because if you gave a school an entire budget and said, 'You go spend it,' well one head teacher might decide to spend it all on building maintenance and on school trips, another one would decide to pay higher salaries to teachers and hope they attract better. You can get to that degree of disparity. So, we need to know what local management of schools is desired by our head teachers, our staff and our unions and how we can facilitate that.

Board of governors. Fine, you put in a board of governors. Now, again, what powers do they have, how do we structure it, how do we make sure if the board of governors is not performing that we can remove that board of governors or we can intervene again, or the Committee can intervene and take back control.

The devil is always in the details and I think most Members here, especially the new Members, will have realised coming into the States one of the first things you realise is before the election you write in your manifesto, 'These are the principles I support, these are the things I would like to see done.'

When you actually get on the Committees that actually are doing those functions it is incredible the detail that needs to be gone into, the amount of issues you have not considered before you got there, that only the Committee is presented with when the officers come forward. A lot of decisions and assumptions have to be made before you can get to that final decision to implement something.

So, whilst I am fully in favour of what the amendment is trying to achieve, and I expect it to come forward, I will not support the amendment because I will support the Committee in doing that detailed work, coming back to the States, as they have committed, within 18 months, and delivering a plan.

Also, there is another issue here as well. It needs to be done in sequence. We need to decide our structure of the education system, physical infrastructure, then we have to decide the model of education being delivered within those schools, the governors' model of that form of education, whether it is one school on multiple sites or whether it is individual schools as it was in the past and, once you have gone through that process, that may become predetermining factors for the shape of LMS and the governance structure in future.

So, again, I think there is a timing issue here. We should not be jumping on this now and debating this now. It is a discussion for a future date and I look forward to having that discussion when it comes.

Thank you, sir.

**The Bailiff:** As no other Member is rising, I will turn to the vice-president of the Policy & Resources Committee, Deputy Soulsby, if she wishes to speak.

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

1705 It will not be lost on Members that the seconder of this amendment is Deputy Le Tocq, who is a Member of Policy & Resources, and that is fine by us. Every Member is entitled to take such an approach and we are happy with that. I know Deputy Le Tocq believes that having a new Education Law is essential for the transformation of education through permitting local management of schools.

1710 Indeed, in my first manifesto in 2012, I stated that I wanted to see both a new educational and local management of schools. I had not started school when the current Law was passed and some of the Members here were not even born when it came through this Assembly. It is a relic of another era and should have been replaced years ago. It is on, it is still in place and I think we have let our young people down because of it.

1715 A constant focus on buildings rather than what goes on in them is a source of considerable frustration, as you heard in my previous speech. I do struggle with this. For me it is really important but I also hear what the Committee has said and again, as with Amendment 2, it is fair to say on the assurance that she has given again, the Education, Sport & Culture President, I will trust her words and will not support the amendment.

1720 **The Bailiff:** The proposer of the amendment, Deputy Roffey, to reply to debate on it please.

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

1725 I think people have been debating the wrong thing. This is not about when the Education Law comes back. Personally, I would like it to come back quite quickly because, as Deputy Soulsby said, the current one is woefully out of date. It is not without merit. It is very good on nits, but it is not very good on the things that we really want out of our education system at the moment.

1730 But this is not trying to tell ESC whether to come back in one year, or two years, or as we know, about 18 months. Nothing to do with that whatsoever. It is about this Assembly continuing with its previous policy of giving a direction that we would like to move towards local management of schools.

1735 We keep hearing about trust. So, is every Resolution that this Assembly passes saying, 'this is the direction of travel we would really like a Committee to embrace', somehow undermining trust in that Committee? Of course it is not. This Assembly has a duty to give general directions of travel that they want its Committees to take. Committees of this Assembly. There is no lack of trust in this amendment.

1740 I am not going to take up many individual points but I have to take up one or two. Deputy Meerveld said we have got to get this right, we have got to find out what the teachers, head teachers and teaching unions want and that they are all generally supportive of local management of schools. I am not sure that is right. I am not sure teaching unions will be at all. They were dead against it in the UK because they felt they had much more influence and power over local government running schools than they did over independent boards of governors.

1745 I do worry about the narrative. Nobody is more pro-union than me in this Assembly but this narrative there is nothing we can do, unless the unions, in the case of education, support it. We do not do that in any other area of life. I do not think Deputy Mahoney takes that approach when he is negotiating pay or conditions of employment.

1750 So, I think really, I am slightly worried about this being in hoc to the unions completely. Listen to what they have to say, a really important stakeholder, but it is not the final say about what we should or should not do, particularly when it comes to LMS because I suspect that they will be quite resistant because they feel they can have more influence over a Committee of the States than they would be able to over independent governorship.

1755 Deputy Oliver and Deputy Gollop talked about timescales and again there is nothing in here that gives timescales. They both made the point, maybe get the structure in first before we actually go to LMS, but they are assuming that LMS was only about secondary schools, where we do not know the structure.



We know, I think we have got universal agreement, that the Guernsey Institute should go ahead. Now the Guernsey Institute, I feel sorry for them, they have had a shadow board of governors for any number of years now, who have not been allowed to get on and do their job because the legislation has not been in place to enable to give them the proper power to do so.

1760 I really struggled with why actually ESC are going to oppose this, having heard that they are in favour of local management of schools. The States previously have told previous ESCs, 'We want you in due course to bring in a Guernsey form of local management of schools.' That instruction will disappear if we just remove the Resolution that is up for rescindment. So I am suggesting that it continues a slightly modified form. They are not against but they are against being told that is what this Assembly wants to see.

1765 I think it strengthens their arm. Strengthens their arm when they talk to other third parties, the stakeholders they talk to, who may not necessarily all want to go down this route that actually the Assembly has made a very clear signal that that is exactly what they want for Guernsey because they have seen it work elsewhere, they have seen it can drive up standards. Why would we not want to do that? Please, continue to send that message. Support this amendment.

**The Bailiff:** Members of the States, we come to the vote now on Amendment 1, proposed by Deputy Roffey, seconded by Deputy Le Tocq. Those in favour; those against?

1775 *Some Members voted Pour; some Members voted Contre.*

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

**A Member:** Could we have a recorded vote please?

1780

**A Member:** Can we have a recorded vote, please sir?

**The Bailiff:** It has already been requested. We will turn instead to a recorded vote. Greffier please.

*There was a recorded vote.*

*Not carried – Pour 14, Contre 26, Ne vote pas 0, Absent 0*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy de Sausmarez	Deputy Cameron	None	None
Deputy Falla	Deputy de Lisle		
Deputy Gabriel	Deputy Dudley-Owen		
Deputy Gollop	Deputy Dyke		
Deputy Inder	Deputy Fairclough		
Deputy Kazantseva-Miller	Deputy Ferbrache		
Deputy Le Tocq	Deputy Haskins		
Deputy Parkinson	Deputy Helyar		
Deputy Roffey	Deputy Le Tissier		
Deputy St Pier	Deputy Leadbeater		
Deputy Trott	Deputy Mahoney		
Deputy Brouard	Deputy Matthews		
Deputy Burford	Deputy McKenna		
Deputy Bury	Deputy Meerveld		
	Deputy Moakes		
	Deputy Murray		
	Deputy Oliver		
	Deputy Prow		
	Deputy Queripel		
	Alderney Rep. Roberts		
	Alderney Rep. Snowdon		

Deputy Soulsby  
Deputy Taylor  
Deputy Vermeulen  
Deputy Aldwell  
Deputy Blin

1785 **The Bailiff:** Well, Members of the States, it just goes to show how loudly some people can shout, doesn't it? Because on the recorded vote in respect of Amendment 1, proposed by Deputy Roffey and seconded by Deputy Le Tocq, there voted Pour 14, Contre 26 and therefore it is now declared lost.

1790 **Deputy Ferbrache:** Sir, can I raise one other matter because we are coming up to 12.30 p.m. I think rather than get hoisted in our petard, there would be Amendment 3 dealt with next, I am going to deal with that on behalf of Policy & Resources, would it be possible if Members did not object and of course more importantly if you do not object, if we dealt with Amendment 7 next, which I think is one... Simply because otherwise I will miss 15 minutes. I am sure I could be forgiven...*[Inaudible]*

1795

**The Bailiff:** Members of the States, the proposal from Deputy Ferbrache is that we just invert the two amendments. Can I just say the only reason that the amendments – I am not going to have any debate on this – the order of amendments is entirely down to me because I can marshal them. I marshalled them in this order because it was the recommendation coming from the Committee and therefore, unless Deputy Burford is going to stand up and say that she is not ready to lay her amendment at this point, in which case it might be that we go to Amendment 4, then I will put to you a motion that we invert the order of those amendments. So Deputy Burford, is there a problem with Amendment 7 being dealt with before lunch?

1800

1805 **Deputy Burford:** It is not a problem, sir, I would just prefer to do it all in one piece together, after lunch, thank you.

**Deputy Soulsby:** Sir, can I suggest Amendment 4 could go ahead because P&R have not got any issues with that. So we could probably have that debate.

1810

**The Bailiff:** Shall we take Amendment 4, break for lunch, if at that stage we want to come back before 2 p.m. we can, but if you want to come back 2 p.m., we will not, and then we will go back to the ordinary order. Deputy St Pier, are you now in a position, rather than laying Amendment 3 to lay Amendment 4?

1815

**Deputy St Pier:** I am, sir.

**The Bailiff:** Well let us do Amendment 4 now, allow Deputy Ferbrache to go off to talk to the media.

1820

**Deputy St Pier:** I was going to say, he normally makes it up anyway, sir! *(Laughter)* Not a problem, sir.

1825 **The Bailiff:** So it is Amendment 4.

*Amendment 4*

*In Proposition 2, to delete the semi-colon and substitute therefor: "and to direct the Policy & Resources Committee when bringing the second policy letter on the Government Work Plan – Stage 2 to include recommendations as to the measures, objectives, targets and key performance indicators (as it sees fit) to be monitored against each outcome statement and recovery action;"*

**Deputy St Pier:** Thank you and I will read it.

In Proposition 2, to delete the semi-colon and substitute therefor: "and to direct the Policy & Resources Committee when bringing the second policy letter on the Government Work Plan – Stage 2 to include recommendations as to the measures, objectives, targets and key performance indicators (as it sees fit) to be monitored against each outcome statement and recovery action;"

1830 I am grateful for Deputy Soulsby indicating that the Policy & Resources Committee, I was not quite sure whether she said would not object or will support. I may have missed that. Will not oppose, thank you, sir.

1835 Proposition 2, as drafted, simply asks us to endorse the approach to measure, monitor and report on progress as set out in section 10 of the policy letter and if Members turn to page 27 they will see that section 10's three paragraphs are refreshingly short but actually do not really give us much detail on the approach, which is to be adopted, to measuring, monitoring and reporting on progress.

The benefits, we are told, in paragraph 10.1:

... will be informed by and aligned to the UN Sustainable Development Goals and draw on the baselines established through the reporting on the OECD Better Life Indices and the Regional Well-Being Index.

1840 Which is something the States has been using for a little while. And that is really it. Paragraph 10.3 then says:

A framework will be put in place, in consultation with Committees that is pragmatic and proportionate ...

1845 I think that is obviously great too and I think all this amendment does is entirely consistent with all of that. It does not cut cross paragraph 10.3 but it is simply saying that, in developing the next policy letter on the Government Work Plan – Stage 2, P&R should include recommendations, as I said in introducing and reading the amendment, as to the measures, objective targets and key performance indicators.

1850 Importantly, we have included and I am grateful to Deputy Fairclough for seconding this amendment, the phrase 'as it sees fit'. This amendment is not intended to be prescriptive. We want P&R to have flexibility to look at this and come back with their recommendations against each outcome statement and recovery action.

1855 The basis of this thinking is that the Assembly will struggle to prioritise at Stage 2, given that we know we are going to have to, we have already been advised by P&R, we are going to have to prioritise. The 46 recovery actions are not likely to all be possible, unless we have this information because, without knowing that I think we all are going to struggle to know what good looks like in terms of each outcome and action.

I have taken just a simple example. The bottom of page 35, three from the bottom, is an outcome for:

... inclusive and sustainable economic growth, exceeding the previous growth path for the economy by 2024,

1860 So what is the scale of that ambition? Is it just to exceed the previous growth path by just a little bit or perhaps to double it? I think having that level of detail is going to be important to us to understand what the scale of ambition is for the Assembly and the Government and, more importantly, to enable us to properly monitor, properly hold to account, delivery against that Plan.

1865 I think that is the key point that if we are serious about holding each other to account on delivering the prioritised actions then I think the amendment is quite literally irresistible, cannot be opposed and I am grateful for Policy & Resources' position on that. There is nothing in that that should not already be happening as part of the planning process and I am sure it is.

As I have said, it is not prescriptive, it leaves P&R to recommend the measures against which it believes performance can best be judged and with that and hopefully with P&R's position, Members will move swiftly to approve the amendment.

Thank you, sir.

**The Bailiff:** Deputy Fairclough, do you formally second it?

**Deputy Fairclough:** I do, sir, and reserve my right to speak. Thank you.

**The Bailiff:** Thank you very much. Do you wish to speak at this stage in the debate, Deputy Soulsby?

**Deputy Soulsby:** Yes, I am happy to do so, sir. Really this amendment builds on the intentions within the policy letter but does imply the responsibility for determining measures, setting targets and proposing key performance indicators sits with Policy & Resources Committee alone and not either the Assembly or the Committees responsible for delivering those actions.

The latter are best placed to know what is achievable and realistic as well as how best to monitor progress. As I have said earlier, we are working differently this time around. This is an Assembly Plan and not solely one for Policy & Resources to determine, own and hold others to account against. However, saying that, the amendment is not drafted in such a way as to fetter the Committee's work in this area and so we will not be opposing it.

**The Bailiff:** Deputy Fairclough, do you wish to speak then?

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

This is all about ensuring the actions we agree to best help the Bailiwick recover from the effects of COVID and Brexit are effectively delivered and that progress is measured. To quote Deputy Ferbrache yesterday, what we are trying to achieve here is a purposeful Plan.

It is important that we do all we can to ensure we are getting it right and, if not, to know why not. I would suggest we have an obligation to do so in the interests of transparency and accountability. We have been given assurances that P&R is already working on the framework of established OECD better life measures and moving to include UN sustainable goals, so there will be measurable outcomes set following this week's Meeting.

I accept that there is intent to monitor the Plan, as described in section 10, it is simply that we want to be more prescriptive about the way progress will be measured, moving forward. I think all the way through this process, I have said we as an Assembly should provide an audit trail of our decision-making process when it comes to our priorities this term of how we have reached the various objectives.

Part of the problem facing us is that some of the outcome statements are so broad it is hard to set objectives against them. In many ways, Stage 2 of the Government Work Plan will be more important than Stage 1, in that we, as an Assembly will be further distilling our priorities. I appreciate that not everyone will agree as to what these should be by the end of our July Meeting and of course the States will be the ultimate arbiter. That is democracy.

Just as long as we can demonstrate what we are doing, how and why. And, indeed, we can highlight areas where progress is not being made and what can be done about it. Also do not forget that, as we are constantly being reminded, this is not P&R's Plan this is our Plan and we need to engender ownership of it. In order that we can buy into it, we need to be sure it will achieve what we want in the best interests of the Bailiwick community. I want us to be able to best assess our performance against it in a meaningful way.

What we are asking Members to agree to today is not overly prescriptive or onerous, it will simply be looking to engage some metrics to better allow us to monitor progress on work against

1920 our priorities and ensure best use of resources. Good governance, you might say. I would ask colleagues to support Amendment 4.

Thank you, sir.

**The Bailiff:** Deputy St Pier, I doubt there is any need to reply to those two short comments.

1925 **Deputy St Pier:** I do wish to just respond very briefly to Deputy Soulsby's point about this being the Assembly's and the Committees' Plan, which I think is a point that is very well made. Of course, ultimately the responsibility for bringing the next policy letter to the States sits with the Policy & Resources Committee, which is why they are the ones under the direction.

1930 Whilst, absolutely, I understand the collaborative approach that will be taken in preparing the key performance indicators and objectives, working between the Committees, I would fully expect, knowing Deputy Soulsby as I do, that if she is not content that a particular Committee has come up with a sufficiently robust set of objectives, P&R are unlikely just to roll over and say, 'that is fine'. You would expect them to come to this Assembly with their own recommendations as to what the objective or further targets should be.

1935 So, as I say, I think it is just worth emphasising that, yes, I absolutely understand that this Plan is co-created, I think is the language used in the policy letter, but it is appropriate that P&R is the one that holds the responsibility for ensuring that we do have a properly measurable Plan so that we can hold all the Committees to account and not just P&R.

1940 **Deputy Burford:** A recorded vote, please, sir.

**The Bailiff:** Members of the States, we are now going to have a recorded vote on Amendment 4, proposed by Deputy St Pier and seconded by Deputy Fairclough, which will add some words to the end of Proposition 2. Greffier.

*There was a recorded vote.*

*Carried – Pour 36, Contre 0, Ne vote pas 1, Absent 3*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Cameron	None	Deputy Dyke	Deputy Ferbrache
Deputy de Lisle			Deputy Le Tocq
Deputy de Sausmarez			Deputy Leadbeater
Deputy Dudley-Owen			
Deputy Fairclough			
Deputy Falla			
Deputy Gabriel			
Deputy Gollop			
Deputy Haskins			
Deputy Helyar			
Deputy Inder			
Deputy Kazantseva-Miller			
Deputy Le Tissier			
Deputy Le Tocq			
Deputy Mahoney			
Deputy Matthews			
Deputy McKenna			
Deputy Meerveld			
Deputy Moakes			
Deputy Murray			
Deputy Oliver			
Deputy Parkinson			
Deputy Prow			
Deputy Queripel			
Alderney Rep. Roberts			

Deputy Roffey  
Alderney Rep. Snowdon  
Deputy Soulsby  
Deputy St Pier  
Deputy Taylor  
Deputy Trott  
Deputy Vermeulen  
Deputy Aldwell  
Deputy Blin  
Deputy Brouard  
Deputy Burford  
Deputy Bury

1945 **The Bailiff:** Thank you very much. Members of the States, in respect of Amendment 4, proposed by Deputy St Pier and seconded by Deputy Fairclough, there voted Pour 36, one abstention, three Members were absent at the time of the vote and therefore Amendment 4 is declared carried. We will now adjourn until 2 p.m. and resume with Amendment 3 at that time.

*The Assembly adjourned at 12.44 p.m.  
and resumed at 2 p.m.*

**Government Work Plan –  
Stage 1 –  
Debate continued**

[Amendment 3](#)

*In Proposition 7, to delete the semi-colon and substitute therefor:*

*“with the exception of: (a) the Resolutions numbered 131 to 133 in Appendix 3, which shall remain extant and not be rescinded;”.*

1950 **The Bailiff:** Good afternoon, Members of the States. I hope you have had a sufficient amount of time to eat, drink and be merry, before resuming debate and it will now be Amendment 3, if Deputy St Pier wishes to lay that amendment, so Deputy St Pier.

1955 **Deputy St Pier:** I do indeed wish to lay it, sir, thank you very much. I will not bother reading it but will just briefly explain that of course the effect would be not to rescind the Resolutions made by the Assembly last June, which would affect the transfer of the jurisdiction of the grant of probate from the Ecclesiastical Court to the Royal Court.

1960 If it ain't broke, don't fix it. We have heard that and I am sure we will hear it again and who could disagree with that logic. The Church, of course, used to be the only place a man and a woman could get married. It was not broken. But our predecessors decided that people should be allowed to get married in the Greffe, too. Still was not broken. But the last States decided that people should actually be able to get married anywhere.

1965 The Ecclesiastical Court's website also provides an interesting history of the Court. It tells us that Elizabeth I's reign marked the beginning of the only period in the Court's history when the functions of the Ecclesiastical Court were suspended. It was not broken then, either, but nonetheless Calvinism had taken firm route in the Islands and of course the Calvinist Church government had no place for the Court, whose functions were suspended and were only resumed in 1662 with the restoration of King Charles II.

1970 In France, the courts, although not broken, disappeared altogether with the Revolution in 1789. In England, though they still exist, their probate functions, although not broken, were incorporated into the Civil Court System by the Court of Probate Act, 1857. And, although not broken, the same happened in Jersey in 1949.

1975 The duties and functions of the Court, prior to the late 19th Century were, apparently, much more varied than today. It dealt, among other things, with the licensing of schoolmasters, the legal separation of spouses and a whole range of ecclesiastical offences, such as drunkenness in church, idolatry, blasphemy, failure to attend church, sorcery, heresy, adultery, and so forth, according to the website, for which it had the power to impose quite severe punishments.

1980 Now the modern court, although not broken and still quite capable of licensing schoolmasters and judging sorcery has, the website tells us, of course lost these functions. In the Ecclesiastical Court's own Q&A, recently issued, we were asked is the Court a religious body? The answer to this question, an emphatic no, feels like the denial of eight centuries of history. The cock crowed once.

1985 But the presiding officer must be a priest of the Church of England. Yes, but it is a personal appointment of the Dean, is the response. The cock crowed twice. The other functions of the Court relate to the Church of England's buildings and weddings and the Dean said, 'I am happy to continue to provide the service, preserving the rich heritage of the Bailiwick.' If it helps, the Dean will remove his collar and call the Court something else, like Guernsey Probate Services. The cock crowed for a third time.

1990 That rich history and heritage referred to of course includes the Ecclesiastical Court as part of, or at the very least being generous, aligned to a religious body, being the Church of England since the Reformation. So it is broken. In the same way that it was in 1994 when it was decided that the Ecclesiastical Court should no longer have jurisdiction to hear disputed probate cases and, in the same way, we all agree that it is no longer appropriate that the Ecclesiastical Court has authority to license schoolmasters or try individuals for drunkenness in church or adultery.

1995 So to, in 2021 is it no longer appropriate that it plays any role in what should be an entirely Civil Law matter of the grants of representation to allow someone to administer a deceased personal estate? Bearing in mind that we are reminded that this is a personal appointment, it is broken that a single individual, the Dean of Guernsey, should have a private taxing right of 0.35% of the gross value of an individual's personal estate.

2000 Remember the States has no control over the level of fees now or in the future. A couple of years ago and only as a direct result of the process that led to last June's policy letter, the Dean decided of his own volition to cap the Court's fees at £100,000. Up until that point they were entirely uncapped. Why £100,000 and not £5,000 or £50,000 or £150,000? I have absolutely no idea. It was a decision taken without any public consultation and without any States' role. If that is not broken, I do not know what is.

2005 When Deputy Le Tocq introduced a policy letter to the States of Deliberation on behalf of the Policy & Resources Committee last June, he said that:

... a working party, including the Dean, was established and the Propositions before the Assembly today have the agreement of all those who were party to that.

Further, as it is noted in paragraph 16 of the report appended to the amendment, the Episcopal Authorities were also consulted during the preparation of the policy letter. In short, it was accepted by all that it was broken and no longer fit for purpose in 2020.

2010 Now, let us turn to the Government Work Plan process, because of course that is why we are here. Paragraph 7.9 (2) on page 21 says that the filter for actions in scope:

Does include current actions where significant progress has already been made (estimated to be over 50% complete) and which are currently resourced and/or funded.

2015 Let us apply those criteria to the extant Resolutions. We are probably 95% complete, including with having had draft legislation prepared. Completion of the transfer of the jurisdiction is resourced and funded. Remember, it is literally, on day one, the stroke of a pen, much as it was in 1994 when the jurisdiction over probate disputes was moved from the Ecclesiastical Court to the Royal Court. Because on day one the services will continue to be provided by the same individuals from the same officers using the same processes. There will be no disruption, there will be no loss of efficiency or

experience and, in time, there will be an opportunity to reduce costs by moving into the Royal Court building saving rent, insurance and other property related costs.

2020 There is another matter which deserves examination, that is the matter of the management fee referred to in Q&A 16. What does the Deanery of Guernsey get out of this new proposal, is the question? The response is a management fee to recognise the Dean's personal role in presiding over the Court and managing the service and employing the staff.

In correspondence with the Dean, I asked:

2025 Could you please elaborate on the quantum of the proposed management fee referred to in FAQ 16, to recognise the Dean's role in presiding over the Court and managing the service and employing staff? What arrangements are proposed with regard to the review and fixing of that proposed fee? Have these arrangements been agreed with the Policy & Resources Committee, is such a fee taken now and if so what is the present level of the fee?

The Dean kindly responded:

The proposed management fee is a matter that is currently the subject of discussion with the Policy & Resources. It was not necessary, under the previous model, to have a set fee to take account of the management of the Ecclesiastical Court.

2030 We learned on Tuesday, literally at the 11th hour and remember a week after this policy letter was scheduled to have been debated, that the Dean's fee is to be £25,000. There is of course no mechanism currently by which the States, acting through P&R or anyone else, can agree a management fee with the Dean. It is what it is, in exactly the same way as there is no mechanisms by which the States can intervene in the Dean changing the structure of the Court's fees.

2035 So if this amendment is not accepted, the States will be sanctioning an arrangement with no clarity or transparency as to how any management fee may be determined or changed in the future. Will it be fixed for a finite period? Will it change with inflation? This is pretty key information in determining whether or not and how much any surplus may in the future be available from the operation of the Court. Of course, given that this £25,000 was not part of the previous arrangement, it constitutes a £25,000 reduction on the surplus available to be transferred to the Social Investment Fund.

2040 Finally, in relation to the management fees, subsequent to the press release, the Dean was quoted in one media source as saying that the fee would go to the Deanery Fund LBG. But there is no transparency in relation to that Fund either. I did ask the Dean whether the directors would be willing to provide accounts for the Fund and received a response this morning that the directors have resolved that they are not minded to disclose the accounts for 2019. They are, of course, 2045 entirely within their rights not to disclose. It is a matter entirely for them.

2050 P&R have attempted to make a great virtue of the fact that the so-called new arrangement means that the surplus from the Court's operation is going to the Social Investment Fund but that is exactly what will happen if the extant Resolutions are implemented, except the surplus will be at least £25,000 higher, without the need to pay the Dean's management fee. And in the medium term will be higher still with the saving of the other property related costs I mentioned.

2055 One other governance issue. The accounts of the Court are not subject to external audit. There is one final issue that deserves comment. The policy letter was crafted after extensive consultation with interested parties. The Dean, the Ecclesiastical Court, the Episcopal Authority, the Bar, the financial services industry and last, but far from least, the other Islands of the Bailiwick – the States of Alderney and the Chief Pleas of Sark. In proposing the rescinding of the previous Resolutions on the back of the Dean's proposals. P&R have consulted with no one but most especially they have not consulted with Alderney and Sark.

2060 In summary the Ecclesiastical Court is broken. Its governance is not fit for purpose in 2021. Allowing private taxing rights over personal estates to an individual, the Dean, over which democratic Government has no control, is wrong. Permitting the Dean to levy a management fee, however modest £25,000 is judged to be, is wrong.



And by the Government Work Plan's own criteria, throwing out eight years of work, expense and consultation when the project is 95% complete and can now be rapidly implemented within existing resources undermines the credibility of the Government Work Plan process, risking exposing it as little more than a list of pet projects that meet or do not meet the whims of those holding the pen.

Thank you, sir.

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

**Deputy Gabriel:** I do, sir, and reserve my right to speak. Thank you.

**The Bailiff:** Thank you very much. Deputy Taylor.

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

I will kick this one off. I really enjoyed Deputy St Pier's little history then. I quite genuinely did find that interesting. I have not got much to say. I will say that £25,000 does not seem to get you a lot in Civil Service terms, or whoever might be doing it. That is a little observation I have.

It is more a question I have, through you sir, that Deputy St Pier may be able to address later on. We have got a lot of interest here in the role of the Church, whether it is the Church or not, after we die, but I could not help but notice there was quite a few members of the Church who were sat in front of us on Wednesday morning. They had a role in voting in people who will then have a much bigger say in our lives whilst we are alive and I did not see anyone raise any objections to that. *(Laughter)* I am not objecting to it, either, I should add.

But it is just such a big thing and maybe we would have to rethink the whole voting that went on on Wednesday and all the ones that went on before, because we take out their eight votes, I think it was. Obviously all the Jurats that also voted in that who were previously voted in by those eight Church members would all be gone and then we are going to have a hole in our legal system. It probably does not help the debate but I just thought I would raise it.

**The Bailiff:** Deputy Blin.

**Deputy Blin:** Thank you, sir. Oops, technology gone wrong.

Through you, sir, I would like to thank that very historical introduction by Deputy St Pier. When I initially looked at this amendment I thought it was interesting that we take the trouble and the interest, as part of the Government Work Plan, to look at all the aspects of work we are doing and where they are important.

Reading that amendment it kind of led me to do some enquiries and investigate a little bit further how the probate works and it was during the lockdown as well, so I had the opportunity to read about probate. I did not get down to the levels of history of adultery and heresy and everything else but it was a fascinating part of our cultural history of how it operates.

I was also welcomed very much, talking to Advocate Fooks, the Registrar, and Advocate Green, although I did not speak to him, I spoke to Advocate Fooks, and also to the Reverend Barker. I just kind of followed the process of how it all works. I was very impressed. The biggest thing that surprised me was the size of probate, which is a very small office: two staff and the Registrars.

They are efficient. They work extremely well. They get things done. I know from outside and other services they are impressed by the speed they operate compared to other jurisdictions and places around the world, even through lockdown. I mean, gardens and everything, using whatever technology to get documents sorted. But what I would like to put on record as well is the way that this amendment has, in the public, it seems to be sort of misinformation and misconstrued. It is all about, surely now, we should not have the Church involved in certain aspects of business. That is the bit that kind of triggered me to wonder.

Guernsey Together, all the Christian elements, whether it be St John the ambulance service, whether it be Trinity Church, with aspects of helping with prisoners or food banks, we have

historically always worked together in a kind of Christian manner to support lots of areas. So then it leads to the question is probate, is the service, Ecclesiastical Court, is it secular or not? The only evidence of religion coming into this is probably the Bible, which is there for choice, for taking an oath.

So it is secular but it is part of our fabric of history, or quirky nature and, as Deputy Taylor mentioned the fact, the Church is involved with choices of Jurats and everything else. So that aspect now, I hope that people can understand we should not be so focussed on the link with the Church and it is the Dean, as Deputy St Pier said in his personal capacity, it is not controlled by the Church of England.

The reality is then what would happen? Deputy St Pier did mention it but I did notice otherwise there was talk about possibly looking at different ways of managing it. Let us say if it does become part of the States of Guernsey. Here is the reality ... sorry, Civil Service will take it on board.

**The Bailiff:** It would be part of the Royal Court, not the States.

**Deputy Blin:** Into the Courts. Okay. If it is absorbed outside of its private status into the Court we do not know if it will be as efficient. There was talk about a possible £20,000 fee towards IT changes, etc. We do not need to make all those changes and adjustments if it is working as it is. It is not a case of saying if it ain't broke, in my opinion, it is more of a case of saying that actually it is a very good, efficient service, which needs to continue going forward.

So I think that the management fee that has been mentioned that Reverend Barker would take or accept, in this day and age this happens in many cases. But the main part is all the sort of profit for monies etc. will be used in the Social Investment Fund. So while I would love to see us maintain our cultural history, keep on the service as it is, and for that reason I will not be voting for this amendment.

Thank you.

**The Bailiff:** Deputy Brouard.

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

I do like our ancient churches. I support them. I pay rates. I use St Peter's Church from time to time for different things. I do like our present Dean. I think he is a good force for good. I really enjoy his company. But – and there is always a but – The difficulty I face is with regard to the management fee and the fee over the years that has been taken by the Church and used for the Church's own purposes.

Had my mother fully realised that by going through Probate some of her hard-earned cash was going to be used to make sure that the Dean had a decent motor car and some decent robes to wear on the high Sundays, she would be turning in her grave and she probably is turning in her grave. So that is where I start to part company. I would much rather those funds and that management go through to the Court and it is used for the greater good of all of us.

So, if you do not do it now, when are you going to do it? This is not going to go away. This will come back and come back again and come back again. We are just on the cusp of having made a decision last year, we have got a chance now to actually follow through and complete something. So, please, my plea for you is you may not completely agree with it but we are 95%, as Deputy St Pier said, there. We need to just do that final hurdle because if you do not do it now you will be leaving it for your children or your grandchildren and they will be wrestling with exactly the same issue.

I do not think it is appropriate to have taxation of this sort done by an ecclesiastical body. I think it should be done by the States of Guernsey. I think it needs to have that open governance that we can provide. I think at the very least the Church will need to provide accounts. I think Deputy St Pier says that they probably will not. I do not think that is appropriate for private money. Our loved and dear ones who pass away will be paying these fees. This is just not appropriate at this time. So I

urge you again, on behalf of me and my mother, who is rolling around in her grave at the moment, please pass this amendment.

Thank you.

2170 **The Bailiff:** Deputy Falla.

**Deputy Falla:** Sir, I am genuinely in two minds about this proposed rescission so I am going to a Deputy Gollop here and look at both arguments. I think there are some myths and misconceptions surrounding the Ecclesiastical Court. The Court of today really has only superficial religious  
2175 connotations. It does come under the jurisdiction of the Dean of Guernsey, who is a Crown appointment, but the Court is run by Registrars.

It is creative, flexible and sophisticated in resolving sometimes complex circumstances surrounding estates. I have heard nothing to suggest that it is not efficient. Under the proposed arrangement, yes the Dean will receive a management fee of £25,000 but any surplus over and  
2180 above that cost, the cost of running the Court, will go to the Social Investment Fund. There will be no further disbursements to the Deanery Fund, which in any event has in the past supported community centred third sector projects, such as the Guernsey Welfare food bank and caring for ex-offenders.

So, essentially not a greatly different model to the Social Investment Fund one. However, in  
2185 considering this matter, I also refer to the Committee of the Guernsey Association of Trustees, whose members deal regularly with the State. Their view is that the Ecclesiastical Court has very limited jurisdiction to address only routine applications for grants of Probate and letters of administration and that any contentious or complex applications or disputes are transferred to the Royal Court anyway.

2190 They point out that most international finance centres confer full jurisdiction over Probate and estate administration on their court judicial system. So Guernsey, in their view, is out of tune with the international community, to whom we look to invest in a wide range of business and investments.

When structuring investments, investors will expect an independent and highly professional  
2195 judiciary as we have in the Royal Court, to adjudicate any disputes, which may arise on death, relating to international laws of succession, conflicts of law issues and disputes over the validity of wills. The view of GAT is that the decision to transfer jurisdiction to the Royal Court is a sound one and in keeping with the modern, outside world.

But, coming round again, I do question whether the Royal Court taking a responsibility for this  
2200 week might result, rather than the anticipated annual savings, in more cost because it will become part of a much bigger machine. This is at a time when we are looking at rationalisation, so joining the Royal Court system could have the opposite effect.

So, on the proposed basis of the service going to the Social Investment Fund, I do question, with  
2205 respect to Deputy St Pier, whether the *status quo* is actually broken and therefore whether there is a telling need to fix it.

**The Bailiff:** Deputy Gollop.

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

2210 Deputy Falla intimated that sometimes I seem to be looking at both sides of the question and balancing them out and all the rest of it and I am not going to in any way breach his confidence today because I very much come at this with two minds, to say the least.

Older Members, or Members who have been around politics more long-term, will remember that back in 2005, on the advice of the then HM Procureur, we formed a committee, Parochial  
2215 Ecclesiastical Rates Review Committee and the bogeyman, or bogeyperson at the time, was the idea we could face a human rights challenge over our alleged imposition of parochial taxation to support one religious denomination.

That Committee had an astonishing long life of 10 or 11 years and I was on it attending every meeting, or nearly every meeting, and I ended up as its President and it went at a snail's pace. But it got there in the end, sort of. It had many interesting Members, including Deputy Langlois and the late Deputy Guille and many persons, and we had lively debates and discussions. Got there in the end, with a compromise and the compromise, in a nutshell, was that the people who were paying parochial taxation were no longer required to pay rates for rectories but they would for the support of the ecclesiastical building, although in practice some of the country parishes still retain rectories.

This is where it gets quite interesting because of course the arguments then were very much about why should people pay to support a religious faith group, especially one denomination? The pragmatic outcome was that it was the least of all evils for the community in some way to support the fabric of the Church, namely the ancient buildings.

Now it should be emphasised here that does not include St Joseph's because that is a Catholic Church. Nor does it include churches like Trinity, which I regularly go along to. It includes the 10 ancient churches, although Torteval is not that ancient, being rebuilt and curiously enough was financed by the States of Guernsey, rather than the ratepayers or the Crown – but that is another argument.

We do not want to get too long into the history of it. But the compromise we came up to, I thought in the long run was flawed for two reasons, although it won the day, because it was the best way forward in the era. It was flawed for two reasons. One, because it is more appropriate to finance buildings of architectural heritage merit via a heritage grant rather than through parochial taxation and, two, because it missed the point that the Church is not disestablished yet.

I think there will come a time, when we are perhaps not in a crisis situation, post-COVID, or rebuilding our economy, when we will need to set up a committee, working party, investigatory group, which will look at where the Church of England is in terms of establishment and disestablishmentarianism.

Although much of this is not really relevant to the debate, Deputy Taylor actually raised a crucial point that yesterday in the States of Election amongst our distinguished voters we had eight Rectors from the Church of England. In fact there was a ninth who was not here as a Rector but had been one as well but was here as a Douzenier. But they are here actually not because they are Church people *per se* but because they hold the Crown office of Rector of a Parish and you could have up to 10, but some are held in common. If they have lived on the Island a sufficient period of time they are entitled to vote.

But we did not one day, after a long committee meeting, decide it was a good idea for Rectors to sit in the States of Election. They evolved to sit here. I am sure Deputy Roffey will go into this with greater depth, but up until the mid-1940's, late 1940's rather, the 10 Rectors of the Parish sat where the Presidents now sit. No, correction: the Jurats sat there, who had an office of both a judicial and political nature and the 10, or at least eight at any given time, Rectors were politicians in the modern sense of the word because their rights included not just being valued Members of the States of Election but valued Members of the States of Deliberation.

That goes right back to the history of parishes and Calvinism and the need to have educated people who believe the right things and are all men, because that was the nature of the Church at the time and all the rest of it. So it was an historical anomaly that they survived in the political Assemblies of both Guernsey and Jersey for so long.

Another anomaly I point out to Deputy Trott and other Members is, curiously enough, the States of Alderney finances their Church, rather than a parish. But that is a separate issue.

But the Rectors survived in the States of Election, but if you were designing it from scratch you probably would not put them there in that form. I sit on the States' Assembly Committee with Deputy Meerveld and others. We know that when Deputy Inder was President he embarked on a project to look, as he promised, at the composition of the States of Election for the role of Jurat and that is ongoing. Perhaps, to my mind, it is a pity that it is not more inclusive of humanists and members of other faiths and denominations because if you do think there is merit in having representatives of the community, you should apply that to other people.

2270 But that is a debate for another day. The Ecclesiastical Court at the moment, like the States of Election, is an evolved body that has progressed in a particular way. Now, I think Deputy St Pier mentioned the word taxation in relation to this and it is a nice point, because when you look at it, the fee is 0.35% of the estate, excluding real estate.

2275 Now that has been seen as a charge for services rendered. It is not a wealth tax, nor is it an inheritance tax and I know Deputy St Pier and other Members of Policy & Resources are very keen to point out that it would not be advisable for Guernsey, for the foreseeable future, to consider wealth taxes, which of course is one reason to be cautious about going into this area. Because, although you could argue the Royal Court is not the Civil Service, it is part of the public service. Some Royal Court officials and workers are paid for out of what amounts to Civil Service pay.

2280 Although we are assured from the policy letter and what the States resolved that there would be no net costs. There might even be a reduction, we cannot guarantee that and I think we have already heard from some Members that you have to be cautious about change – Deputy Blin – that there could be a rise in costs. We know the current arrangement works financially.

2285 I do believe in the medium term that we do need to be aware of the need to have a more secular process for this kind of thing but we do not need to hurry it as a priority and I do not believe we have any evidence, but I could be proved wrong, that there are clients resisting Guernsey's financial services because of its set up or what the objections are.

2290 I think we heard today how we should support committees that have been given a mandate and they have decided that this is not their top strategic priority and I take the view that if this continues to be worked on but perhaps not at the top of the tree, that is the best way forward.

2295 The other point of view comes back to the practicalities of it. We have an Ecclesiastical Court at the moment that delivers its services at a budget price to the user and is done quickly, efficiently, with little complaint and indeed has a senior advocate as its Registrar nowadays. That is something to be admired and treasured and retained. But I am also minded that, contrary to popular belief of many people, the Church of England and the community is not awash with funds. If you look at the salaries of full-time Church of England professionals, they are extremely low. I suspect even compared to Deputies.

2300 If one looks at the income of the Church locally, they have to give a lot to the diocese now of Salisbury and collection plates have been small in COVID and they do support many endeavours, from drop-in facilities for young and older people, for lonely people, for coffee, I know the Church of England and the Dean have given grants to social community assets such as Caritas in the past and I think, whilst we are still recovering from the effects of the pandemic and developing our third sector, we should for the moment continue with the arrangement.

2305 I think one also has to put into the equation the cost of too quick a change and the consequences that could have on the community. So I would say for the moment keep it there as a lower priority but do not move on it today.

**The Bailiff:** Deputy Roffey.

2310 **Deputy Roffey:** Sir, I found Deputy Gollop's two reasons for voting against this amendment quite extraordinary. One would seem to be that the Church of England were quite low on cash and therefore they needed this income stream, and the second one was, yes, we are going to have to do this really soon but even though we have worked it all up and it is ready to go, do not do it now, do it in five or 10 years' time. Absolutely extraordinary.

2315 To me it has got nothing to do with whether the system is broke or not broke, it is wrong. It is wrong to force people whether they want to or not to have to submit to a religious Court. *(Interjection)* It is not religious so do not put a Bible there. It is the Ecclesiastical Court of Guernsey. Look on your devices at what ecclesiastical means. It is a religious court and you are forcing me, as a complete atheist, whether I want to or not, I had to go there last year when my mum died because  
2320 ... well I could have left all the money in the bank, they would not give to me without probate I suppose, but short of that I had to go and do it.

Now it rankled with me. It did not rankle a great deal but I can imagine people of entirely different faiths would find that really objectionable. It just has no place in the modern world. Deputy Taylor said nobody objected on Wednesday about the Jurats, sorry, the Rectors sitting in here. Well I can tell Deputy Taylor it did not feel right actually to jump to my feet and say, 'Oi, you lot out!' on that occasion but I have brought a requête to this Assembly asking for the removal of the Rectors from the States of Election. Unfortunately, it did not win, but I have been entirely consistent and I am not actually being illogical in my choice.

I do hope that SACC will maybe look at how Jurats are elected, will see that it is wrong for up to 10 people of one particular denomination to have almost 10% of the States of Election, to be sitting here when other community leaders do not get that particular right to determine something so fundamental as our choice of permanent jurors in Guernsey. I am entirely with him but two wrongs, other than making a short ladder, certainly do not make a right.

I think where some people are going wrong here is they think that somehow this is going to come across to the States of Guernsey. Before lunch I made an impassioned speech over school governance and I declared that the States of Guernsey should be doing things they do not need to do. But really I was quite worried to hear what Deputy Blin has to say and what some other people have said in the run-up to this debate. They seem to think that the Royal Court and other Courts are a part of the States of Guernsey.

This is not just a debating point, this is so constitutionally, fundamentally important that Courts are in no way, shape or form, a part of the States of Guernsey. In fact, their separation from the Government of the Island, as the judiciary in the Island, runs right through all our constitutional niceties. So there is no way, if we pass this amendment, that this function is going to be transferred from the Ecclesiastical Court to the States of Guernsey. It is not. Exactly the same thing is going to happen but instead of it being overseen by a religious Court, it will be overseen by a secular Court.

When I have been through probate I do not know how efficient it was because I have never had Probate done by another body. It seemed alright but I would actually think it is a bit of a tax, because profit is being made. Okay, it is going to good causes. I would actually if we really do not want to tax people's inheritance, the fee level should be set at really only what needs to cover the expenses of the Court. That is not happening. Surpluses are being made.

Now I expect a tiny surplus because otherwise it might be a deficit but I think it should be, unless we choose to have an inheritance tax, which I do not think many people would do, I think it should be doing more than washing its own face. This should not be a money-making business, either for good causes – I totally want to support good causes – but this just has no part of the modern age. I am amazed that P&R think this is appropriate in 2021. I really think, I want our image as an Island to be modern, part of the way that the world functions.

Not that I mean I do not think we should have our little quirks, it does not mean I do not think you should be able to buy a couple of shankars from people, I think you should. But by and large on the institutions of the Island they should be modern and they should be secular because some people, if you force them to use it, you are forcing them against their will to use a religious organisation. If people have no problem with that because they have empathy with that religion, fine. But think about the people who do.

**The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Yes, sir, well thank God we are not all atheists like Deputy Roffey. Although sometimes when I see him waving his hands up there in the pulpit, I think perhaps he is a Godly figure. *(Laughter)* In all due respect, sir, to Deputy Roffey. This is something, of course, that came up for debate last term at the end of last term and I was quite struck actually, and of course I spoke against the policy letter at that time, which is along the lines of the amendment that Deputy St Pier is bringing today.

But I was struck by the fact that in paragraph 1.4 of the policy letter that was brought to us at that time, it is a pity we do not have it today, the point was made very clearly that the current service and operation –

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**Deputy St Pier:** Point of correction.

**The Bailiff:** Deputy de Lisle, point of correction, Deputy St Pier.

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**Deputy de Lisle:** Thank you.

**Deputy St Pier:** Thank you, sir. Sorry to interrupt Deputy de Lisle but I think his reference to the policy letter, it is appended to the amendment, so it is available and in front of us today if he wishes to refer to it.

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**Deputy de Lisle:** Oh good. That is very useful to have clarified. I am sure everybody will refer to it. (*Laughter*) The fact is that in 1.4, as I was saying there, it was stated that the service and the operation, were considered by P&R at the time, to be of 'high quality and very efficient'. Now, on the other hand efficiency in Government is not always considered to be as effectively controlled as matters in the private sector.

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I am concerned that the cost could rise and the benefits to society in general may reduce through the transfer of customary jurisdiction in relation to the grants. So I note that there is no substantial matter of fundamental concern also arising from the current funding arrangements associated with the Ecclesiastical Court.

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So it all makes me a little uneasy, particularly with respect to the good work that has been done with the funds in the past and I am not really wanting to support this jurisdictional change at the current time.

Sir, I like traditional values, unlike perhaps Deputy St Pier. I like traditional values. In fact –

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**Deputy St Pier:** Sir, point of order. I would ask Deputy de Lisle to withdraw that very personal comment. It was completely unnecessary in this debate.

**The Bailiff:** Deputy de Lisle –

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**Deputy de Lisle:** I will withdraw that sir.

**The Bailiff:** Okay, so that comment is withdrawn.

**Deputy de Lisle:** But I still like traditional values..

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**The Bailiff:** I understand you like traditional values and I am sure there are a number of people who do but there is no place in this Assembly for personalising the particular comments and I think that is an important point to make at this stage, particularly in the context of this debate. So Deputy de Lisle to continue

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**Deputy de Lisle:** Right, so I have un-personalised that, sir, and I will continue. The fact being that as I said, in terms of traditional values, I liked the age tax allowance that in the last term was swept away from us and that of course took away £4 million to £5 million from pensioners every year. I also liked the tradition of low TRP rates, again swept away by the last term. Again with additional tax on property owners of larger houses, one third of the residential properties in Guernsey.

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And I like the probate through the Ecclesiastical Court, which has been functioning for, if Deputy St Pier is right, 800 years or more. That is something else of a tradition that I think we should

maintain. So traditional values, our values in Guernsey, are something to be kept, something to be valued and not swept away, sir.

I think this is very important that we can pass onto our children and onto our grandchildren some of the values that we have been blessed with ourselves and I feel that I have been blessed by low TRP values on my properties in the past. (*Laughter*) And also by the age tax allowance, all of which have been swept away, and I would not want to see any more swept away, sir.

**The Bailiff:** Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** I think if I had to bring my children on the values of low TRP and old age allowance I would be a troubled mother. I am really not sure where to start. I would like to start to invoke Deputy Inder's approach to things, which is taking a black and white approach. He is sadly not listening, but I think would appreciate being referred to, Deputy Inder. (*Laughter*)

It is inevitable that when you talk about probate in Guernsey administered by the Ecclesiastical Court that religion comes into the equation. You simply cannot take it out of it and that is precisely the reason why we need to take it out of it. So before I proceed I want to put it on record that I am a person of faith and that I believe the Church and other faith and non-faith organisations are an essential part of our community and do much good to benefit many Islanders and my heart sincerely thanks them for all of their efforts.

But this is where we must stop and decouple Law, the role of faith-based organisations and Law. It is as simple of that. You do not need to go further than that and Deputy Roffey, I think, illustrated that clearly. So let us talk about perceptions. No matter how you spin it Guernsey probate has direct links to religion via the management of the function of the Dean of Guernsey. Guernsey is the only outpost of the Church of England where it manages probate. This function was removed from the Church of England in 1867 and in Jersey in 1949.

The probate funds the Church by the payment of the management fee. This can be deeply offensive and undemocratic for anyone who is not of Christian faith. This restricts citizens' freedom of choice by forcing them to use only one available service. Only 1% of global population is of Anglican faith. This means that you are potentially alienating 99% of the population of other faiths or non-faiths. This is simply not acceptable in 2021 of the 21st Century.

Governments around the world have made concerted efforts to decouple Law and public services from religious organisations in a move to fully secular services. So there is just one perception that arises when you think about the probate and Church thing: Guernsey is backward and is unable to move with its times.

We are told that no evidence was found that this was preventing investment into Guernsey. Well, that research was undertaken by the Dean! How can you know what investment did not make it into Guernsey? The business you lost does not quite make it into your survey does it? You will never know about the business you lost. This puts people off Guernsey. What message does this really send when we are so proud of being a leading financial services jurisdiction, built on the values of transparency and good governance.

This brings me to my second point. Do not fix something that is not broken. It has been used numerous times. Well, let me give you multiple reasons how it is broken. Guernsey probate managed by the Ecclesiastical Court is in effect an 800-year-old monopoly, providing a service that affects every Islander upon their death.

The Ecclesiastical Court has no accountability to the Guernsey Government, our judicial system or the public. Its staff, Registrars and management are not chosen through any form of governance that has any accountability to the public. That type of governance, or rather lack of it, is simply unacceptable in any modern, private organisation and the Guernsey Association of Trustees, I think, sent a very clear message. In an economy, which is 50% more supported by financial services, do we think this is really acceptable in this day and age?

Part of good governance is ensuring the services can remain viable and there is succession planning. The probate is dependent on the services of two Registrars, which should be high on the



risk rate if they were to leave. Being part of a large organisation such as the Royal Court would help the risk of such dependency on staffing and ensuring that succession planning.

We are also told that this service is cost-effective and it is more cost-effective to retain it as is. Well, on what basis can one make such claim? It is an 800-year-old monopoly that did not have to undergo any scrutiny previously, no accountability to the public, and has not gone through a commissioning process. So on what basis can we claim that there are no significant rooms for improvement in the way the services could be run?

The probate sitting could take place on more than one day. Savings can be made from economies of scale such as insurance cover, rental of space and others. Communication from colleagues at P&R mentioned that continuing with the service would be supporting the States' drive for more commissioning. I fully support the drive for more efficiency and commissioning but just continuing with the services of an 800-year-old monopoly, without going into proper process of commissioning, is not commissioning. A change of name is not a reform.

I tried to find some kind of metaphor and the best I could find is that if you can dress a chicken with some Christmas stuffing, it will still not be a turkey. *(Laughter)* We have plenty of non-faith organisations that could undertake this service. The Royal Court is one such organisation but there could be others in the market that want to bid for this contract. There is absolutely no ground to say that this service could not smoothly transition to any other provider.

The Royal Court has to deal with a much bigger array and complexity of matters on a daily basis. I also hear that the reason for not moving the service into the Royal Court is because we do not want more civil servants on the books. I think as Deputy Roffey clearly said, this is just pure nonsense, because the Royal Court is not under the jurisdiction of the Civil Service books.

Last but not least, if you think that rescinding this Resolution provides a long-term solution for this 800-year-old situation then think again. You will simply be kicking the can down the road for someone else to make the grown-up decision at a later stage. This is after several years of work at officer and Law Officer levels, that have already gone into this, into the policy that was approved last year.

This project was 95% complete. There were no objections received from the Dean during the consultation phase. This is not action today. This is taking two steps back. It is wasting resources already spent, wasting time of the future Assembly and officers that will have to deal with this again in the not-too-distant future, because this is not going to go away. It is as simple as that. So I ask my colleagues in the Assembly to make a grown-up decision today, rather than kick the can down the road for someone else to sort this in the future, please support this amendment.

**The Bailiff:** Deputy McKenna.

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

Before I start I was amazed when Deputy Roffey said he wanted to remove all the Rectors and have a requête. If I could remind him, there is a magnificent picture just there in front of you and it is the head of the Church of England. It is Her Majesty and she would certainly be welcome here any time, along with all the Rectors, as far as for the duration of my term.

I am not happy with your boast of being an atheist. We are a multi-cultural, diverse society, we are all entitled to be what we want and that is the way it should be. But I certainly would not be boasting about that.

As regards Deputy St Pier saying he spent over eight years bringing this, it is 95% there, I can appreciate eight years is a long time and yet, in just under five months, you expected ESC to come up with a Holy Grail for education. That is beside the point.

The UK, as you have stated Deputy St Pier, got rid of the Ecclesiastical Court 150 years ago. We are not the UK, we are Guernsey. Why would we dismiss the Ecclesiastical Court after 700 years of loyal service? It is professionally run at a low-cost of 0.35% on personalty and no charges on realty. The Ecclesiastical Court has no secular bias and all profits go into the Social Investment Fund, which benefits local charities around the whole of the Bailiwick.

2530 The whole Bailiwick benefits. We the States have full control over the Ecclesiastical Court and the low service cost that it provides. The Reverend Barker has said the Ecclesiastical Court is happy to continue to provide the service, preserving the rich heritage and ancient legal traditions, which this Bailiwick is special. As Reverend Barker said, all profits go into the Social Investment Fund, which benefits local charities.

2535 So my concerns today, sir, are purely evidence-based. If we look at the Policy & Resources letter, if we go to the executive summary of 2nd March 2020, on page 3, sub section 1.7:

The Policy & Resources Committee proposes that the current structure is maintained, at least in the short-term, with provision for future tariffs to be set by the States, upon recommendation by the Policy & Resources Committee as part of the annual Budget of the States.

2540 So here we have the Ecclesiastical Court saying that all profits will go into the Social Investment Fund, which benefits the local charities throughout the Bailiwick, our friends from Alderney and from Sark, and from Herm, for ourselves. But that is only one. If we go to page 22, subsection 17.3, Policy & Resources recommend:

... future probate income from the probate tariff to accrue to General Revenue.

My interpretation of General Revenue is not charity. For any changes to the tariff to be recommended by Policy & Resources as part of the annual Budget of the States, the intent would appear that it will go into general Budget and be taken out of a charitable fund.

2545 **Deputy St Pier:** Sir, point of correction.

**The Bailiff:** Point of correction, Deputy St Pier.

2550 **Deputy St Pier:** I am conscious of your advice yesterday to another Member that they would have an opportunity to respond in debate but this point is so fundamental it does need to be challenged now. The point that Deputy McKenna is raising, of course, was not accepted by the States last June. That Proposition was rejected. It is not one of those that is therefore capable of being rescinded because it does not exist. It is a part of the policy letter that was struck out by the last Assembly.

2555 **The Bailiff:** Deputy McKenna to continue.

2560 **Deputy McKenna:** Well Deputy St Pier, I notice today on the ESC debate, that you like to use the words the devil is in the detail. Well, for me, I am praying to God today he will deliver the evidence that we can dispose of your amendment.

These words that were in the Policy & Resources document, these words they could, they may or they possibly could open the back door to inheritance tax. If future States were to be short of money they could, or may, or possibly raise the recommended tariff so that profits become part of the States' Budget.

2565 This is not the Church against the States. This is not God versus the States. Because if it was, I would be voting for Almighty. I say Almighty, I mean Almighty God, just in case there was confusion. This is about a business that is low cost that we can control and that we can trust. I am asking the Chief Minister that we and my other friends in the Assembly will be behind you and we will vote for the generations of Guernsey families of the past and the future and I will vote totally, for as long as I am here, against this amendment.

2570 Sir, I would ask for a recorded vote against this amendment.

**Deputy Roffey:** But it has to be before and against!

2575 **The Bailiff:** Deputy Gabriel.

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

I have been approached by a number of members of the public and they are astonished that this item is up for rescission, especially as it was debated at length and passed by the last Assembly only in 2020, a short political term away. If the fix was not broken then, then why the apparent handbrake turn? Fundamentally, I believe in this modern age the Island should not be delegating authority to one arm of one religion to determine where surplus funds from probate are diverted. No matter how well they do it, how efficient. I do not believe it is appropriate or longer fit for purpose in 2021.

Picture this scenario, which Deputy Roffey alluded to earlier. Person A was encouraged by their family to attend church throughout their life. From an early age, they chose Christianity, the Church of England religion. Later in life they come out as a lesbian, gay, bisexual, transgender or questioning and decide to cement a relationship in a Church of England ceremony. The very church that they were following will not permit this and in fact shuns them. Again, if another person changes faith and when of the partnership sadly dies, the very people the Church shunned is now proving their will. That part of the system appears to be broken and definitely needs fixing.

People from other faiths will too feel disenfranchised having to approach such a large and ominous body as the Church of England. I wonder how Church of England followers would feel if the proverbial boot was on the other foot and their will administrators had to approach a senior member of another faith to prove their will. One hopes their outlook will indeed be a Christian one.

Some people in minorities have been ostracised by some churches and when at a time of grief and unsettlement why should they have to approach the same organisation that has rejected them to settle their personal affairs again? Again, I do not believe that this enforces the Guernsey brand or is right and proper in 2021.

Of course, I agree that there is a place for religion in this day and age. I have faith and respect others that do so too and that faith and non-faith organisations have a place in our community. Indeed, some finding solace in these tumultuous times. But in proving financial affairs, the Church does not have a place.

To rescind this extant Resolution, which in all intents is ready to go, will I believe undo the good work that was already voted on successfully by the last Assembly. The Law Officers and civil servants have, I believe, already completed significant work to facilitate the transfer of function to the Royal Court. The overturning of such an important and very recent States' decision without debate, in my eyes, is misguided at best.

If I can take you to page 14 of the Government Work Plan, which in effect is what we are debating today, the policy letter, figure 3.2 shows the diagram which has already been referred to. In the south-west corner, the bubble quotes that:

Work where significant progress has already been made:

... should not be considered to be rescinded. I believe that this Resolution does fall into that category. Significant work has been completed.

The previous policy letter and Deputy Roffey describe how the Royal Court is able to progress grant of representation probate claims with the same efficiency as the Ecclesiastical Court and, through time, savings can be made by amalgamations, savings in rent etc. What this amendment does do will give accountability and public access to information by following States of Guernsey financial and reporting procedures. Both operations of realty and then personality will then be subject to the same governance procedures, again giving more transparency.

The original policy letter tells us the Royal Court can process, determine and has the means to divert surplus in a meaningful, transparent way, now the Social Investment Fund is approved. I am sure that you will be astounded to read in table 3 of the original policy letter, which is as an

appendix, on page 15, that the net surplus diverted to the Deanery account LBG for the five year 2014-18 was nearly £2.7 million and used for their own charitable purposes.

While I appreciate the beauty of the architecture of some of the Church of England structures and do not mind some of my parish rates going towards the upkeep of these fantastic buildings, I am sure that some people will even take exception to this and this should not be the norm. Of course charitable projects should continue to be supported and the distribution of surplus through the Social Investment Fund is an accurate and appropriate way to do so. This transparency is what is needed for handling public funds.

Moving onto the management fee. Where else does a third sector organisation determine, process and charge for a mandatory public service that is not fully transparent as to the directors' fees? In this case, the Dean's management fee. We learned on Tuesday that a hastily agreed management annual fee, a fee, not a structure or a mechanism of charging or a description of how and when it may rise, with or without inflation, our RPIX, is to be set at £25,000 for a public service. Deputy Gollop has focussed our minds on costs. An extra £25,000 has just been taken off of that.

In closing, while I do not usually side with our Jersey cousins, on this matter, I agree with them, as they separated this function from the Church over 70 years. Again, I encourage Members to please join me in my support for this amendment and to see grant of exemptions probate placed where it should be, with the Royal Court, to determine as the amendment and original policy letter describes.

Thank you.

**The Bailiff:** Deputy Burford.

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

My dear departed father, who died three years ago next week, was horrified about the whole set up of the Ecclesiastical Court for probate, but nevertheless, that aside, I did actually come into the Assembly today, on this, minded to support P&R's position. But I have listened carefully to the speeches today and I have to say, in particular, the speech from Deputy McKenna has convinced me that I must enthusiastically support this amendment.

**The Bailiff:** Deputy Oliver.

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

When we debated this last term, I remember Deputy Ferbrache said that this should have been done – I am paraphrasing – this should have been done yesterday and that it was very good and he was voting for it. I was just –

**Deputy Ferbrache:** Point of correction.

**The Bailiff:** Point of correction, Deputy Ferbrache.

**Deputy Ferbrache:** I did not say this should be done. Actually, I spoke against it and voted against it. I can only say that Deputy Oliver's memory is completely in error. It is a matter of *Hansard*. Have a look at *Hansard*. I spoke against it. There were 17 people that voted against it. I was one of the 17.

**The Bailiff:** Deputy Oliver to continue.

**Deputy Oliver:** Sorry, I got that wrong, then, and I do apologise. But I would like to hear from P&R the reasons why they have decided to change and to change quite quickly about it, because it was only done, from memory, it was before lockdown (**The Bailiff:** During lockdown.) but anyway I would just like to hear from P&R.

**The Bailiff:** Deputy Trott.

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

2680 I shall be very brief but I think the commercial issues should be addressed and I shall attempt to do so. Deputy Kazantseva-Miller reminded us that we are the only place where the Church manages probate and that has caused a problem in the past on a number of occasions. I am not talking about a flood here, I am talking about on a number of occasions. I do not want to give the impression it is a massive issue, but it is an issue, nonetheless.

2685 Our international finance centre is increasingly jurisdictionally agnostic because the businesses that operate here are multi-disciplined and they operate on a global basis. Not all but most. Now we are aware, in fact I am aware, through a number of the significant figures that operate through GPEG, a group of people who I hold in high regard, who have told me over the years that they have been involved with clients who have not chosen Guernsey as a jurisdiction because of issues surrounding Sharia law, around Islamic finance, where they are simply not permitted to allow any ecclesiastical intervention.

2690 So what happens is that that business is diverted away from Guernsey to the Isle of Man and to Jersey, to name but two. So those who care about our financial service industry, as do I, and who care about our competitiveness, need to appreciate that whilst the issue is not overwhelming, the issue is material nonetheless because we have lost business as a direct consequence of the Ecclesiastical Court's involvement in probate on personality.

2695 Thank you, sir.

**The Bailiff:** Deputy Bury.

2700 **Deputy Bury:** Thank you, sir.

My feelings on this follow on quite neatly from Deputy Trott's because while he has addressed the very important aspect of commerciality, for me this is entirely a matter of principle. Deputy de Lisle stated that he likes probate through the Ecclesiastical Court, I do not like probate through the Ecclesiastical Court. He also mentioned about passing the traditions on to children and grandchildren and this genuinely is not meant to be personalised, sir, but there is a difference in age generation between myself and Deputy de Lisle, so I would therefore be potentially one of those that he was referring to and I would not like it passed on.

2710 It is entirely inappropriate for a modern Government to be forcing one denomination into people's lives in what is a very difficult time and I am very grateful that Deputy Gabriel brought up the all-important aspect that, and again I am not speaking to any one church specifically in Guernsey, but the Church does not in fact actually welcome everybody. It is important to recognise that had you been rejected by the Church, to then be forced to use them in grieving is entirely inappropriate.

2715 Deputy Taylor's point was a really important one. To say that nobody commented, I think was the term, as Deputy Roffey said, it would have been entirely inappropriate to comment at the time but we should not say that just because we have not done that we should not do this. Perhaps this should be the starting point for the rest of those conversations.

2720 I did have a conversation with Deputy Soulsby about this and she gave me the very practical and pragmatic solution, answers that I am sure we will hear shortly but, unfortunately, while it was a congenial conversation, I still cannot agree at having Government and religion so entangled in this way. So I will be supporting this amendment and I encourage my colleagues to do so.

Thank you, sir.

**The Bailiff:** Deputy Inder.

2725 **Deputy Inder:** Just briefly. When this came around last time I voted for. I acted corporately and voted for the policy letter as it was. But unlike some, I do not have the extreme principles – well

extreme principles at all. I do not particularly care about the God bit, I do not particularly care about the atheism bit. What I do care desperately about is how efficient and how cheap it is and what is the best value for money, probably similar to Deputy Falla.

This will be simply down to this, when I hear from Deputy Soulsby, it is really how much does it cost, where are the benefits, who is doing it most efficiently? If Deputy Soulsby can explain to us that it is x amount of money done x cheaply because the Royal Court is such an efficient machine, that will be interesting, or it can be done by a couple of guys – or women – who just happen to be wearing a bit of cloth somewhere in a house at St Saviour's, that is effectively what this decision is to me. It is who does it the cheapest and who is most likely to get the most benefit out of it.

What I mean by most benefit out of it, I do not mean making, accepting it is a separate estate, but ultimately we do pay for the Royal Court, but if it means an expansion of the organisation in any way, shape or form, it is a fairly easy decision to me. So just tell me who is going to do it the cheapest and that is where my decision will be.

Thank you.

**The Bailiff:** If no other Member is going to rise, I will turn to, I think it is going to be the President on this occasion, Deputy Ferbrache, to reply on behalf of the Committee to this amendment. So

**Deputy Ferbrache:** Indeed, sir.

I liked, not necessarily the content, but I liked the style of Deputy St Pier's opening speech. It had humour, it had history and I like humour and I like history. I do not know much about humour but I do know a fair bit about history. Then it became ideological. I do not mean from Deputy St Pier but from some of the others. It started off I think, really, with Deputy Roffey. Well he is not the only atheist in this room. I am.

Deputy de Lisle talked about tradition. I like tradition but my decision and the view, I think, of P&R, but I am speaking at the moment just personally in relation to my personal comments, is that this is nothing to do with tradition. This is to do with practicality and this is to do with something that actually works.

I do not care what happened 700 years ago. I do not care that the Church used to license schoolmasters because you put it in relation to what relevance has that got? At one time to be the principal of Elizabeth College, if you look at some of the old statutes, you had to be a Church of England minister and you had to have a degree from Oxford, Cambridge or Durham. Those were the only institutions that were recognised. We still have Elizabeth College and yet you do not have to have a degree from those universities. You do not even have to be a male nowadays to be the principal of Elizabeth College. So things move on but institutions still survive.

Deputy St Pier mentioned pre-Elizabeth I. Very apposite. She died just last week, but in 1603. He mentioned the French Revolution and the changes in relation to that. Well of course remember Marie Antionette and Louis and all the others got their heads chopped off. They were replaced by the Committee of Public Safety. They did not do much better because a few years later Mr Robespierre had his jaw broken before he was taken to the guillotine. It is as relevant as nothing, really, those historical references. I will be mentioning some of those further in a moment or two.

Now Deputy Bury mentioned, well she is younger than Deputy de Lisle, we understand that. This is nothing to do with age. It has got nothing to do with age and somebody who is young should not think they have the province of what goes on in the future. We are all concerned in this Chamber with the future efficiency of our services.

Now we can dance on a pin. Of course the Royal Court is separate from the States of Guernsey. Though going back to France, the doctrine of separation of powers, Montesquieu, Dante, various other people of that ilk, they were the ones who talked about the doctrine of separation of powers. But they are public servants, the people that work in the Royal Court are public servants. Their accounts form part of the States' accounts. The States give them a grant every year to carry out the law and order functions that they carry out so ably.

2780 So you look at the contract of employment, we have got 14 different ones I have mentioned that in a previous speech and Deputy Mahoney is going to do his best to change that, but there is a core to them. They have similar principles, annual increments, annual emoluments and revision, pension provision. They have all of those types of things. They are very similar in lots of material particulars.

2785 Deputy Brouard said his mum would be spinning her grave or something akin to that. Well I hope she has stopped spinning and has a restful peace, especially with Easter coming up. But in relation to all of that, the principle of it is that what happened has happened. The fees charged, to answer Deputy Inder's point and they refer to Deputy St Pier makes a point and quite properly, the fees charged are modest. Modesty compared with anything else.

2790 Deputy Trott did not surprise me but he did a bit because he referred to Sharia Law. I do not care what Sharia Law is. I would not like anybody in any other jurisdiction holding any religious faith influencing how we live our lives in Guernsey. If those who administer Sharia Law and if those who are concerned with that kind of any other religion want to influence how we in Guernsey run our lives I say go and do your business elsewhere. We do not want your business if you are seeking to tell us how we should operate our business.

2795 But they do not do that. A lot of the business, and I speak from a practical point of view because I have been a Guernsey advocate for 40 years – 40 years on 17th March just gone. Been a barrister for 49 years in July. So I know the legal system and I know how it operates here and I know about the probate system here.

2800 I know that we have done – we being the Guernsey Bar, etc. – we have done lots of work with the jurisdictions that Deputy Trott has alluded to. They have not cared a jot. I can only speak from my experience, it is only 40 years, I appreciate it is a mere bat of an eyelid when we talk about 800 years, but I can only talk about my experience over the past 40 years which is it does not concern them a jot. They are quite happy to deal with our Ecclesiastical Court because they know it gives a good service.

2805 So I can only speak from practical experience. We have had a lot of theoretical talk but I would rather talk about practical talk and how it works in practice and I will come to that in a moment.

I heard a comment from somebody this morning and I thought, my goodness me, this will be the new icon of the right wing in Guernsey. And then it was Deputy Roffey talking about 'We want to move away from small Government'. I appreciate nobody needs to jump up and say, 'This is the Government', because I do not want people having the recollections that Deputy Oliver had which is so misconceived in relation to the view that I took, which was odd when she was in the States just a few years ago, when I spoke very forcefully against the changes and voted against them. So I am surprised at her recollection, but anyway, no doubt she will reflect on when she challenges somebody as to their recollection in due course.

2815 Going back to where we were in relation to all of this, we are in a position whereby we have got a system that actually is the envy of other places. I think at paragraph 8 of the helpful report – and it is a helpful report and I do not say that with any irony or anything else, I thought it was a helpful report – it refers to the dates in England. I think 1857, and Jersey in 1949. So 1857, James Buchanan was the President of America, probably one of the worst presidents that they ever had because they had a Civil War afterwards where lots of Americans killed each other.

2820 The 72-year-old Viscount Palmerston became Prime Minister of England for the first time. He is even older than me when I became Chief Minister, or President of Policy & Resources. He had lots of terms. He did not do very well. He only lasted a year that time but he got re-elected a few years later. And Peter Stafford Carey was about 10 or 11 years into his 38-year tenure as Bailiff. I very much quite hope that our learned Bailiff, Presiding Officer, will be with us some years but I doubt if he will still be the Bailiff in 37 years' time.

2825 In relation to that, we move to 1949, which was the other reference because that is where Jersey was referred to, 1949. We have then got the great Harry S. Truman, who only became President because Roosevelt died so shortly into his fourth term. We had Clement Attlee, one of the greatest

Prime Ministers that Britain has ever had, and we had Ambrose Sherwill – later Sir Ambrose Sherwill – as our Bailiff.

What is the relevance of any of that? The same historical relevance of absolutely nothing but it is just of interest. (*Laughter*) The dates referred to by Deputy St Pier and Deputy Gabriel in the document that they attach to their comments in relation to the amendment.

I am not a Little Englander or a Little Guernseyer – well I might be a Little Guernseyer because you shrink as you get older and I am getting quite old now – so I do not adhere, I never have, to the philosophy well, if you do not like here, go somewhere else. I have never adhered to that. I was one of those, with Deputy Roffey, Deputy Fallaize and other people, who have only been in Guernsey about 600-700 years have actually went against the ‘Stone de Croze’ mentality of the population management. Some of those traditions. That has never been part of my psyche and my thoughts.

But in relation to that, Deputy McKenna did make a good point. It does not matter what happens in Jersey. It does not matter what happens in England in relation to that. It reminded me of the comments when I read some of those voiced about 1857 and 1949 and all that stuff, it reminded me of that great Rumpole story where there was a captain in the Catering Corps who lived in his modest bungalow, a bit like me, he lived in a modest bungalow in one of the suburbs of England, who was looking back wistfully over the days of the British Empire. We do not do that. We look forward. We look forward as to what is progressive.

Also, we exercise another thing, this judge, this northern judge, again another Rumpole story – you can tell I have had a sad life because I have watched all the Rumpole things about 50 times – but in relation to that when the judge said, ‘Mr Rumpole, Mr Rumpole, exercise your common sense.’ Now judges have said that to many times and I thought, ‘Perhaps I have a bit more common sense than you on occasions.’

But I would never say that to a judge because I have never been rude to a judge in all the time that I have been a practising lawyer. But let us look at some of the things that I would like to say. Deputy St Pier has not said it, or if he has I have missed it and if so I sincerely apologise because I hope my recollection is better than Deputy Oliver’s was just a few moments ago.

I have heard Deputy St Pier say this is flip-flop Government. I have heard him say that previously in relation to this issue and I have read him in one of his weekly, sorry four-weekly columns, in the *Guernsey Press* say that. Well that is completely misguided. This is a new States’ Assembly. This is a practical States’ Assembly and the decision he referred to was made in the last States’ Assembly.

I and 16 others voted against it and I remember speaking to my good friend and former Deputy Mooney at the time. Now Deputy Mooney is not a Church of England man, he is a very strong Catholic man. Goes to St Joseph’s Church, and I said, ‘I cannot bring myself to vote in favour of this Joe, it is such an ideological’ – and we have heard smatterings of that today – ‘and unbusinesslike policy letter’. Deputy Mooney as he then was said that was a very polite way of putting it. He said, he had a wonderful turn of phrase, and he described the then policy as having as much sense as an elephant trying to sit in a tree.

But enough of that. Let us look at the practicalities of what Deputies St Pier and Gabriel have said. Their proposals will not save money. They will not save personnel. They will not make things more efficient. It will increase the size of the public service – I was going to say Government but I fully accept that that would be wrong – where just about everywhere else the intent is to move in exactly the opposite direction.

If the amendment is successful, it will add to bureaucracy, it will add to cost, and it will take away what has been an efficient probate system for a very long time. The position in relation to where we are is that what I want to do in the 21st Century is make a decision that is best for this community and I look at how the situation works in Guernsey. As I say, I have dealt with probate on a regular basis now, well 39 years, because I have not done too much really in the last year, but I still keep in touch albeit obviously from afar, with the system and how it works.

Because of the nature of the business that we do, because again touching upon a point that was tangentially made by Deputy Trott, we are an international finance centre. Because of that, we are



not a little town of 65,000 people. We do probate in many, which effectively has repercussions in other jurisdictions.

2885 Now I have dealt with the probate system in Jersey. I have dealt with the probate system in England and Wales. I have dealt with it in other jurisdictions. None, not one of those jurisdictions are as cheap, free from bureaucracy or as effective as our Guernsey probate system. Ours has no equal comparator. It works very well.

2890 I speak as someone who in his professional life has been a trustee on many occasions, has been an executor on many occasions, I have been sworn as an administrator of estates on many occasions. I have dealt with lawyers in many other jurisdictions on probate matters. They envy our system. Every single one, with no exception. I am not saying that for hyperbole. Every single one and I have spoken, as I say, to many. They say, 'We wish we had what you have got.'

2895 In the papers that we have seen Deputies St Pier and Gabriel say there will be no extra cost other than £20,000, I think, for an IT system, and you would save on insurance and rent. Now, really, do they live in the real world? And I say that most respectfully. I accept as honest people they believe it but I am not sure on what basis.

2900 The employees would transfer over to the public sector. We all know what that means in real terms. Now we have got to have Civil Service reform, public sector reform, but it is at the baby stage yet. Those people will undoubtedly have Civil Service/public service terms of employment, I have already referred to. They would have pensions. They would receive, as the current system currently works, annual incremental increases.

2905 I am not going – because I have great admiration for the Civil Service, particularly over the last six months where it has worked splendidly in relation to things such as Brexit and other matters – I will again go back to the public sector, but it would not be too long before a manager came along. It would not be too long before the manager needed a manager's assistant. The forms that would have to be filled out and thoroughly filled out in relation to applying for probate would increase in length. The questions that would be asked would be more and more. There would be no turning round an estate in two or three days, as sometimes needs to happen.

2910 If one looks at the costs, which are referred to in the policy letter, which the States previously considered, you will see they were kept well under control. Do we really think they would be better going forward if we move this into the public sector? An argument could have been made, but I do not believe it is being made, 'We are not going to transfer across the people who currently work for the Ecclesiastical Court we could subsume the work within the current workload of the Greffe.'

2915 But the trouble with that argument would be that those people then working at the Greffe must be under employed and I do not think that is what Deputies Gabriel and St Pier are suggesting anyway. Because if we do have people who are underemployed in the Civil Service/public service, they should not be employed in the Civil Service/public service.

2920 The questions, I keep coming back to these, I come back, I run around the track 10 times – at my age figuratively not literally – and I come back to the same answers. Why are we seeking to increase inefficiency? Why are we seeking to increase bureaucracy? Why are we seeking to increase the size of the public service?

2925 Again I speak as somebody who has been dealing with the States for a long time. I do not rely just on my own experience. I have spoken to some of my former colleagues at the Bar. They are, almost without exception and I cannot think of an exception, amazed that we should be considering it. They are not saying that for their own purpose or because they have an interest other than they believe in the effective administration of the Probate Service.

2930 Any costs, of which in the real world there will be some, would be passed onto clients. Deputy Brouard's mother would be spinning in her grave if she heard that. The extra costs that brings with it because delays which would come could lead to the foreign element of our probate system being lost. Our reputation would diminish. Our locally based estates would be more time-consuming in their administration. I do not think that is in the interest of the population.

Paragraph 12 of the document attached to the proposed amendment says:

The Ecclesiastical Court only deals with the grants of representation or probate. It is unable to deal with any disputes, which already fall under the jurisdiction of the Royal Court.

2935 Exactly. It is not there for contentious matters, and they are rare anywhere, but there are some from time to time. The probate system is an administration system. It works well. As I have said, I have no ideology. We have heard, again very openly, from Deputy Roffey and others, Deputy Kazantseva-Miller and Deputy Bury and Deputy Gabriel to be fair, that they are concerned about the ideological aspects. It does not bother me a jot because it is nothing to do with that.

2940 We talked about transparency and of course that is important. There will be a £25,000 management fee. That will be controlled. The accounts will be published. We would be reviewing it to make sure it worked during the lifetime of this Assembly, during the next four years, but we would not have to constantly revisit it.

2945 Deputy St Pier said to me in one conversation some time ago – and I hope he will not mind me repeating that because actually we do speak quite a lot together and in civil terms, I do not think we have ever had a personal argument, I do not recollect me ever raising my voice to him and I do not think he has ever raised his voice to me –

**Deputy St Pier:** There is still time! *(Laughter)*

2950

**Deputy Ferbrache:** Hopefully not this afternoon. I am sure if Deputy St Pier thought he was getting angry he would take some tablets to tranquilise him, help calm him down. In relation to what I am saying is we have got a system that works. We would not have to keep revisiting it. But anyway to go back to the conversation that Deputy St Pier had, he said it should go out to tender.

2955 Hang on, it is not like a building contract where you go out to tender and you could have six or seven builders who could all do the same things, or you wanted some catering facilities and you would go around to Deputy Vermeulen's old establishment or ex-Deputy Nussbaumer or one of the many fine restaurants, hotels etc. that we have got – I can think of four I could name right now but I will not – we could do all things like that. But our system is transparent, it works, it is efficient.  
2960 Leave it alone.

**The Bailiff:** Thank you very much. I now turn to the proposer of the amendment, Deputy St Pier, to reply to the debate on it. Deputy St Pier.

2965 **Deputy St Pier:** Thank you very much, sir, and thank you to everybody who has participated in the debate.

Deputy de Lisle spoke about traditional values and again I would point out to him that over the eight centuries of the history of the Ecclesiastical Court those traditional values did include sorcery, heresy and idolatry, so I am not sure that we necessarily want to adhere to all our traditional values, but perhaps Deputy de Lisle would like to adhere to those as well. I do not now.  
2970

Deputy McKenna referred to the Ecclesiastical Court as being professionally run. Of course the Dean, as we have established, is effectively the presiding officer of that Court by virtue of his position as a personal appointment. I do not think that can be described as a professional appointment. He also said that it is under the full control of the States of Guernsey. 'The States of Guernsey have full control,' was the phrase he used. That is factually incorrect. There is no link between the two in any shape or form.  
2975

I want to deal with this question of fees and charges. Deputy Gollop raised this question because I referred to it in my opening speech as a tax – 0.35% is a tax. The reason I did that was quite consciously that it is an *ad valorem* fee, which is a fixed base as a percentage of the value of the estate.  
2980

Of course the States of Guernsey have a policy that says, as I think I cannot remember who raised the point, it could be Deputy Roffey, that public services charged at really more than they are, the cost of providing that service.

2985 Now the costs of providing the administration of grant of letters of representation or approving  
a will really do not change much between something that is in the States valued at £10,000,  
£100,000, £1 million or £10 million. That is of course why that although Deputy Ferbrache had 40  
years of experience he could not find anywhere cheaper. I found one with two clicks, which is the  
UK, the issue of a grant of probate in the UK is fixed at £215. There are a whole load of other costs  
associated with inheritance tax, which is a different issue, but in relation to simply getting the piece  
2990 of paper that allows you to administer the estate it is £215.

I think it was also identified ... no, I will return to that, perhaps come back at the end.  
Deputy Taylor identified he could not buy much with £25,000. Of course the adherence to the extant  
Resolutions that £25,000 would be additional surplus going into the Social Investment Fund  
because there is no management fee to pay to anyone under the extant proposals.

2995 I think the question of Jurats has already been addressed by others. Actually, the Policy &  
Resources Committee in the last term wrote to and asked the States' Assembly & Constitution  
Committee to look at that issue. It was on their work programme for the last term and I believe it  
will be for this term as well. It was an outstanding issue.

I think Deputies Blin, Inder and Falla have raised a number of issues which are sort of allied,  
3000 which is this question of efficiency. This is an efficient service and if we – the phrase that Deputy  
Falla used – if we join it with the Royal Court. We really need to focus on the Resolution. The  
Resolution is to approve the transfer of the customary jurisdiction.

That is all we are doing. We are, by the stroke of a pen, with the creation of a Law, transferring  
the jurisdiction for the administration probate from the Ecclesiastical Court to the Royal Court. If  
3005 this had happened, if this instead of re-debating something that was debated at length in June last  
year, instead we were approving the legislation, Monday morning the staff would go into work in  
Lefebvre Street, they would not be moving from Lefebvre Street and they would be doing the same  
job as efficiently, Deputy Inder, with the same sort of processes.

I think Deputy Ferbrache – we have had lots of bogeymen so far and I am sure there will be a  
3010 few more left in this debate – he did discover quite a few in this. It is going to add to bureaucracy,  
it is going to add to costs, that forms would get longer. There is no basis for making that statement.  
It is an assumption that just because the Royal Court would take over jurisdiction somehow the  
forms would get longer.

3015 **Deputy Ferbrache:** Point of correction.

**The Bailiff:** Point of correction, Deputy Ferbrache,

3020 **Deputy Ferbrache:** I think it is a point of correction but I apologise for the interruption. I am  
sure Deputy St Pier would have given way. If he compares the forms of Jersey with the forms of  
Guernsey they are much longer in Jersey, so why on earth would they not be longer in Guernsey?

**Deputy St Pier:** Well, perhaps taking a leaf out of Deputy Ferbrache's speech, I am not remotely  
interested what happens in Jersey! (*Laughter*)

3025 So, there is no evidence for the fact that forms would get longer and get more time-consuming.  
That is a bogeyman threat. The reality is it will be the same people doing the same job in the same  
offices, except the jurisdiction will lie with the Royal Court rather than the Ecclesiastical Court. There  
will be no physical joining in the sense that the phrase joinings was referred to. If that is a future  
decision at some point, that would release the rent at Lefebvre Street then that is a matter for the  
3030 Royal Court's management and its budgets at that time but that is not what is in the extant  
Resolution, that is not what is proposed.

Yes, I did not refer to flip-flop in my opening speech, but I have used the term flip-flop. This will  
be the first conscious decision of this Assembly to flip-flop. To change a previous decision of the  
States of Deliberation. It can be presented in no other way or interpreted in no other way by anyone  
3035 outside this Assembly and Members should vote knowing that.

It is not a top priority. Of course it is not a top priority and we would not be debating it at all if Policy & Resources had not made it a top priority by seeking to rescind this Resolution. We should not be debating it at all. It has been debated once already, very recently, after a considerable amount of work, a considerable amount of consultation, including agreement with the ecclesiastical authorities, Ecclesiastical Court and the episcopal authorities in the States of Alderney and Chief Pleas at the time.

Deputy Gollop I think was saying it is not a priority so, as Deputy Roffey said, let us not do it now, keep it as a low priority, keep working on it. That is the last thing we want to be doing with the Government Work Plan, is keeping things to be reviewed, which now apparently, as we have just learned, we are going to keep it under review. That is going to require a bit of resources for somebody to actually investigate and ask the right questions and look at the accounts and all the other things that we are now going to do if we are going to keep it as a low priority as Deputy Gollop said. We have had 800 years of this. How much longer do we have to wait before we decide that we need to address this?

One final issue in relation to the Social Investment Fund. To be very clear, again, the proposals set out in the original policy letter are that any surplus would go to the Social Investment Fund. There is nothing different by rescinding these Resolutions as proposed by P&R with what is in the extant Resolutions. The only difference is that the Social Investment Fund, through P&R's proposal now, will be subject to that additional management fee. So it will receive less if this Resolution, if this amendment is rejected, than it would if this amendment is accepted.

I think that really brings me to my final point, which I think is the most pertinent in the context of an Assembly that is purporting to set itself out as one that is going to be driven by priorities and not want to be distracted and it wants to be practical. That is the point that Deputy Brouard first made and Deputy Kazantseva-Miller built on, which is it will not go away.

This issue will not go away and it will simply come back, whether it comes back in this term, whether it comes back in another term, it will take more resources in due course and, actually, as I was listening to the debate, had thought for the first time, I think perhaps prompted by Deputy Kazantseva-Miller – I do apologise I am going to have to learn really to be able to get that nail whacked properly – when I was listening to her speech, thinking about Article 9 of the European Convention on Human Rights, the freedom of thought, conscience and religion.

This Government is making a conscious decision in relation to how individuals, whatever their faith, interact with a particular public authority, which the Ecclesiastical Court, of course, is. Now that Article 9 issue is one that I do not think has formed any part of the discussion or debate or consideration of the work that I have certainly been involved in looking at this issue but it strikes me as one that actually there may be some traction and engagement there.

So the key point is this is not going to go away and we should, in the spirit of the Government Work Plan, in the spirit of Policy & Resources' own advice to us, that if a matter is more than 50% complete we should dispense with it and move on. It is, we are ready to go and we should not have been debating this at all and these particular extant Resolutions, which merely transfer the jurisdiction and will do nothing other than keep the same service as efficient as it was, the envy of the world, as Deputy Ferbrache said. We can keep all of that, with the extant Resolutions. Please accept this amendment.

**The Bailiff:** Members of the States, we come now to the vote on Amendment 3, proposed by Deputy St Pier and seconded by Deputy Gabriel, and there was a request for a recorded vote, so Greffier, a recorded vote, please.

*There was a recorded vote.*

*Carried – Pour 15, Contre 22, Ne vote pas 0, Absent 3*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Cameron	Deputy de Lisle	None	Deputy Le Tocq
Deputy de Sausmarez	Deputy Dudley-Owen		Deputy Parkinson
Deputy Fairclough	Deputy Dyke		Alderney Rep. Snowdon
Deputy Falla	Deputy Ferbrache		
Deputy Gabriel	Deputy Gollop		
Deputy Kazantseva-Miller	Deputy Haskins		
Deputy Leadbeater	Deputy Helyar		
Deputy Oliver	Deputy Inder		
Deputy Queripel	Deputy Le Tissier		
Deputy Roffey	Deputy Mahoney		
Deputy St Pier	Deputy Matthews		
Deputy Trott	Deputy McKenna		
Deputy Brouard	Deputy Meerveld		
Deputy Burford	Deputy Moakes		
Deputy Bury	Deputy Murray		
	Deputy Prow		
	Alderney Rep. Roberts		
	Deputy Soulsby		
	Deputy St Pier		
	Deputy Taylor		
	Deputy Vermeulen		
	Deputy Aldwell		
	Deputy Blin		

**The Bailiff:** Members of the States, the voting on Amendment 3, proposed by Deputy St Pier and seconded by Deputy Gabriel was as follows. There voted Pour 15, Contre 22, three Members were absent at the time of the vote and therefore I declare the amendment lost.

3085

[Amendment 7](#)

*In Proposition 3, immediately after the words "of this policy letter," insert the following:*

*"subject to agreeing that for the final row of the table on page 147 with the Action Title 'Update the Domestic Abuse Strategy' there shall be substituted in the respective columns the text set out in the table below and"*

**The Bailiff:** We turn next to what I think is the final amendment to this set of Propositions and that is to be proposed by Deputy Burford, if you are ready to lay the amendment, Deputy Burford?

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**Deputy Burford:** Thank you, sir. *(Several Members leave the Chamber.)* Oh, was it something I said? *(Laughter)* I am sure it is just because everybody is convinced that they are already in support.

Right, sir, I submitted this amendment and I drafted the body of this speech before the tragic and widely covered murder of Sarah Everard. But I do not intend to set my arguments in the context of that dreadful event or in the outpourings that stemmed from it.

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Whilst that event may have served to publicise and underline the need for a SARC, the need existed long before and this is not a kneejerk proposal or one borne of the understandable reactions to that event.

Since 2015, States' funding available to domestic abuse strategy has decreased in real terms by 11%. Meanwhile, the incidence of domestic abuse has not decreased. Indeed, over lockdown, it has increased. For full transparency and as many of you will know I was a director of Safer, the local charity, which runs the women's refuge and various domestic abuse services, from 2017 up until the recent election.

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Safer has various service-level agreements and grants with the States, funded from the Domestic Abuse strategy. Clearly, and obviously, in the last six years, the costs of providing these services has not fallen yet the money to provide them has. Although the value of some of those contracts, to some providers, may have increased, it has not kept pace with the demand on these services, which have been under an immense pressure, only alleviated by tireless fundraising and third sector

3105

grants. If some contracts were increased, it was only by means of diverting funds from other important parts of the Strategy, which then had to be cut back.

3110 So why is a SARC so vital? I trust all Members will have read the report which was appended to the amendment and as such I will keep this part brief. In the UK, just 1.4% of reported rapes are successfully prosecuted. To put that another way, 98.6% are not. Further, we know that only around one in five victims actually reports the crime.

3115 Together, these statistics, which are unlikely to be substantially different in Guernsey, show that only one in 400 perpetrators is brought to justice. Rape is, effectively a consequence-free crime for the perpetrator. It must be the case that near virtual immunity from consequences is also a contributory factor to the prevalence of sexual violence.

3120 But rape and sexual assault are not consequence-free for the victim. Is it any wonder that victims do not want to subject themselves to the stresses of a Police investigation when the cards are so stacked against them? Herein lies the problem: even if a person, and it is usually a woman, as 92% or rape victims and over 80% of sexual assault victims are of the female sex, even if they do not report the assault, that is not the end of the issue for many. The after effects can persist for many years or even for a lifetime. There can be mental health and substance abuse issues and the unresolved trauma, which can also cause relationship issues, family breakdown and physical health issues.

3125 This is where a SARC comes in. SARCs offer benefits for the victim, the Health Service and the criminal justice process. They offer a high standard of victim care, high levels of victim satisfaction and an improved standard of forensic evidence. The provision or signposting of mental and sexual health services in the SARC increases the likelihood that the client will access the treatment they actually need and reduce the immediate and future burden on the Health Service. A SARC offers specialist staff, trained in caring for victims of sexual violence, and the opportunity for victims, if they so wish, to access these services as self-referrals, without any involvement from the Police.

3135 SARCs offer the potential to bring more offenders to justice on the basis of better evidence, fewer case withdrawals because of better victim care, increased reporting and access to intelligence from self-referrals. A SARC can develop as a centre of excellence and expertise, providing advice, training and support to local health practitioners and the Police in this work. It has strong links with the voluntary sector, enabling a seamless provision of care for victims and the sharing of information and good practice.

3140 But, as with everything, upfront it has a revenue cost, although the long-term benefits can outweigh that. It also dovetails with many of the social aims and objectives of the Government Work Plan. I am, of course, aware that Home Affairs have identified a SARC as one of their hoped-for improvements to the updated Domestic Abuse Strategy and while I do not for a minute doubt their sincerity in wishing to see this development, history simply does not show a trail of progress in this area, despite many best intentions.

3145 In his email responding to those members of our community who wrote to Deputies in support of this proposal, Deputy Prow confirmed that a SARC would be considered as part of the Domestic Abuse strategy. The purpose of this amendment, therefore, is to firmly upgrade mere consideration to a firm statement of intent backed by this Assembly.

3150 My other fear is that even if Home are able to remain committed to it, it is now apparently being wrapped up not just in the updated Domestic Abuse Strategy but in the overarching Justice Review and I see months turning into years and all the while needs going unmet. While I understand and accept that overarching strategic planning has a place, the States has frequently suffered from the failure to do anything while it waits to do everything and I had hoped we might finally have got past that affliction.

3155 I am therefore seeking, if you like, a stamp of approval from Members that collectively recognises this to be an important, vital and long-neglected development so that when funding shakedown is undertaken this project will survive that process. But I want to put on record in no uncertain way that if this amendment is approved it absolutely must not be used as an excuse to divert funds from

other established or indeed proposed workstreams in this area. This has to be a step forward, an addition, not just a rearranging of existing services.

Informal and positive discussions have taken place with the Police and the third sector. There are premises available. The only thing missing is the money to pay the independent sexual violence advisers and the 24-hour helpline operators. This Government is preaching action this day. This service could be up and running in a matter of months. The premises are there, the third sector is there, the will is there, the need is certainly there.

If this amendment is approved and is greenlighted for funding, I would urge my colleagues on Home Affairs to press ahead with this much overdue service, post haste, and with that in mind, I would like to ask Deputy Prow when his Committee intends to bring the updated Domestic Abuse Strategy to this Assembly.

We have recently had confirmation, were it needed, from the States' Assembly & Constitution Committee that Resolutions are indeed binding instructions on a Committee to carry out the will of this Assembly. However, I am aware that if this amendment is passed it is not binding. It is not binding because not only is it subject to Phase 2 pruning and funding process but it is amending a Proposition which, in itself, is merely to note.

Some Members may be tempted to vote for this amendment because actually, technically, it commits them to nothing. But I am asking Members to refrain from voting in favour unless they are also prepared to see it through to commissioning. Please do not raise false hopes. However, if Members believe, as I do, that this service is much-needed in Guernsey and that it can improve lives while contributing to long overdue culture change in this area, then please give it your full support.

Thank you.

**The Bailiff:** Deputy Kazantseva-Miller, do you formally second that amendment?

**Deputy Kazantseva-Miller:** Yes, sir.

**The Bailiff:** Deputy Prow.

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

Throughout discussing all the amendments, it is becoming completely clear that the Government Work Plan is a matter for all of us in this Assembly. Whether this amendment is approved or not is a matter entirely for the States. The Committee fully supports updating the Domestic Abuse Strategy. I do not think we could have made that much clearer. Which is why we have identified it as one of our priorities for this particular term.

So, sir, I am genuinely baffled as to why this amendment has been laid and what the underpinning motivation for it is. On 15th January, as preparations for Stage 1 of the Government Work Plan were gaining pace, the Committee circulated to all Deputies supplementary documents – this is what it is – in relation to its priority areas. This included additional information in relation to an updated Domestic Abuse Strategy, which made reference to an already drafted strategy and noted:

The next iteration of the Strategy proposes not just the maintenance of existing services but to contain multiple recommendations identifying a number of actions for investment, which will support one of the most vulnerable groups in the community.

This is a document that was circulated back in January. In terms of the Government Work Plan this is where establishing a sexual assault referral centre (SARC) was first mentioned in the context of the Government Work Plan and before the amendment was laid. What it does, it talks about the next iteration of the Strategy and then it proposes not just the maintenance of existing services but contains multiple recommendations and it outlines what they are.

I think it is worth actually outlining this because Deputy Queripel, quite rightly, in the very helpful questions put by John Gollop, received a long time ago, back on Wednesday –

**The Bailiff:** Deputy Gollop please, Deputy Prow.

**Deputy Prow:** Sorry, Deputy Gollop, I do beg your pardon.

He basically teased out the fact that to progress the Domestic Abuse Strategy, indeed the Justice Review, it needs extra additional funding and what the Committee *for* Home Affairs has set out is in fact eight elements which is the provision of specialist domestic abuse services, including independent domestic violence advisory and outreach services, maintenance and designing a perpetrator pilot programme, additional support for Guernsey Child Contact Centre, enhanced training education and public awareness campaigns, perpetrator work to cover supervision of conditional domestic abuse protection orders, establishing a sexual assault referral centre (SARC), consideration of extending the Strategy to incorporate domestic abuse and sexual violence strategy and how the work of the Strategy forms part of the wider justice framework.

So, sir, as part of informing States' Members of what our statement of intent with regard to domestic abuse is, it is very clearly set out. Could I make it abundantly clear to every Member of this Assembly, the public and the media, the report listed a number of those initiatives that I have just gone through, which included establishing a sexual assault referral centre, a SARC. And also the merits of extending the Strategy to become a Domestic Abuse and Sexual Violence Strategy.

Sir, the question of trust and trusting Committees has been a thing, again, through some of the amendments we have heard. This is a matter of trust, or perhaps it is a matter of mistrust, having listened to what Deputy Burford has just said. So I ask the Assembly please trust the Committee *for* Home Affairs to evaluate the whole progression of the Strategy in the round.

Deputy Burford has asked me to give her an undertaking of the timescales but I am unable to do so because we are just at Stage 1 of the Government Work Plan, so it would be inappropriate for me to start to put a timescale. What I will say to Deputy Burford is you have heard the commitment of the Committee *for* Home Affairs on this matter and we are going to be true to our word and we will not delay, once we have the funding and once the feedback and the decision as to this States as to how we can prioritise, both on Domestic Abuse and the Justice Strategy then I will be better able to answer the question she poses.

So, sir, on a point of procedure the Committee considers the amendment is not in the spirit of the Government planning process and it seeks to circumvent the transparent, open considerations of the work of the Government Work Plan, which it is seeking to establish and prioritise. In addition the amendment is unnecessary, as I have already said. The need to establish a SARC is something the Committee has already highlighted, before this amendment, to Members of the Assembly as forming part of the updated Domestic Abuse Strategy.

Whether or not this amendment is successful will be a matter for the Assembly, however I must make it clear that regardless of the success or otherwise in establishing SARC, it is something the Committee has already identified, was considering in conjunction with the other extremely important elements of the updated Domestic Abuse Strategy, which its expert advisers, I believe, may need to be prioritised first.

What is absolutely clear is in the events of last week in the UK, which Deputy Burford has referred to, has thrown into sharp focus the need to ensure that we protect our community and support those who are victims of domestic abuse or sexual assault. The Committee will not oppose this amendment.

If it indicates the Assembly's intent to unpack every element of the Domestic Abuse Strategy to ensure that the work of the strategy is prioritised as a recovery action as we consider Stage 2 of the Government Work Plan, so sir, the Committee *for* Home Affairs do not oppose this amendment.

Thank you, sir.

**The Bailiff:** Deputy Meerveld.

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



3260 I support the establishment of a SARC centre. Any form of assault is terrible but it is particularly heinous when it has a sexual element that can cause such serious mental harm as well as physical harm. But I am going to speak and vote against this amendment.

I am going to speak against it and vote against it not because I do not agree with what it is trying to establish but because of the poor governance it illustrates and dare I say abuse of the process.  
3265 Let me explain. We are here discussing the Government Work Plan, the particular Proposition we are discussing here is to rescind Propositions. Yet we have here effectively a new Proposition being inserted, so we are actually creating a Proposition.

That is one issue. But the fact is I believe it breaches Rule 24(6), it goes beyond the original Proposition. I did not bother invoking that at the start of this debate, which I could have done after  
3270 it was seconded, because I think I needed to have my say and explain why I will be voting against this but it clearly breaches that Rule. It is taking a Proposition and it is going well beyond it in doing so.

Another area I have serious concern with is Rule 4(3). Now, Proposition 9 in the underlying policy letter is for the SACC committee to go away and review 4(3) and this is a perfect example of why  
3275 that has to be done. In this amendment, well let us first look at Rule 4(3), what is it and why is it there. It requires that anybody laying an amendment has to detail the financial consequences, what it is going to cost, the implications of cost. The reason that was put in there as a Rule, an eminently sensible Rule is to make sure that we do not make decisions in isolation, without factoring in the cost implications.

This amendment says, 'Ah well, we do not have to worry about the costs now, we will worry  
3280 about those later.' Just defers it. So it asks us to make a decision about something that will have a significant cost. In fact the attached document estimates, based on the Jersey model, about a £200,000 a year cost. So it is a significant cost. But that is not brought forward at the time of debate.

It is a bit like a middle class family going to their child and saying, 'What car would you like to  
3285 buy?' 'Well, Dad, I would like a Ferrari.' 'Well just go and order it. We will ask how much it costs later.' It makes absolutely no sense from a good governance perspective or in any practical sense. No company would turn around and say, 'Let's go and launch a new initiative, let's go ahead with it, we will make a decision, we will start proceeding but we will consider the cost later.'

Then we come down to the actual process. We look at this and we go, okay, we have gone  
3290 beyond the existing Proposition, we are inserting a Proposition, effectively a new Proposition, into a list that we are supposed to be rescinding. Then we are not taking into account the financial consequences are being ignored and push down the line –

**Deputy Kazantseva-Miller:** Point of correction.  
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**The Bailiff:** Point of correction, Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** Sir, I do not think there is any discussion about inserting any  
3300 Propositions or amendments to Propositions, this is inserting a different phrasing of one of 40-plus recovery actions.

**The Bailiff:** Deputy Meerveld, I think we are now dealing with an amendment to Proposition 3, which is to note the emergency recovery actions in Appendix 6.

**Deputy Meerveld:** Correct sir, 'to note'.  
3305

**The Bailiff:** It is not inserting a new Proposition, it is just changing what is in the content of  
Appendix 6.

**Deputy Meerveld:** I will accept that, sir. Right, okay.  
3310

Let us go back to what Deputy Prow was just saying about process. We have Committees and they have mandates and they are delegated by this Assembly to go out and do a body of work and as I said earlier in my speech relating to Amendment 2 on education, the devil is in the details. I think everybody here, especially the new Members who have come in, will realise just how complex the issues are and how many other factors have to be considered in making important policy decisions.

Deputy Prow in his speech alluded to some of the other issues around this that need to be considered. Yet here we have an amendment that comes in and inserts something in, cherry picks something that is already on a radar, the Assembly has already been told they are going to do, and I fully accept that Deputy Burford is passionate about this and wants to see it brought forward but I think there is a great danger in us setting a precedent here that if anyone of us is passionate about an issue that we go out and we cherry pick something that a Committee said they were already working on and try and bring it forward as a Proposition in isolation from the consideration of the whole round, including the cost implication, how it is going to be administered, how it is going to be managed going forward.

We need to – the word trust has been used – trust our Committees that have been given these mandates, who are doing this, to come forward with the work. Then expediency. Okay they come here, say I want this, I want this now, let us make a decision in isolation from the bigger policy letter. But what will it achieve? We set a precedent here that anybody can just cherry pick something from another public Committee's portfolio and try and bring it forward as an issue to be debated on. We do not take the financial considerations into account. Will it actually make the SARC centre happen sooner? No it will not. Because we still have to wait for the policy letter from Home to come forward to this Assembly to be debated. It will not speed up the process at all.

All it does is effectively binds their hands on one issue because it may be that in their deliberations the Home Committee comes up with a better idea, rather than a SARC centre, it may be something slightly different to handle the issue in a Guernsey context. But what you do, by making a Resolution like this, is bind their hands, lock them in with that one. We create an immovable option, we are going to lock you into that.

You also have the issue that in the future we may have another Resolution to rescind if we decide later on it is too costly and we want to go in a different direction with the recommendations of the Home Committee. So, whilst I fully support a SARC centre, I am not speaking against it, I am speaking against the poor governance being demonstrated in the laying of this amendment and I ask Members to vote against it on that basis and to trust in our Home Committee to come forwards with recommendations considered in the round and I also point out to Members it will cost no different if we wait for the Committee's report and it will not be any faster because we will still have to wait for Home Committee's report. On that basis, thank you, sir.

**The Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, I am going to support this amendment, I have no reservations at all about supporting it. I am not just influenced by the terrible events that Deputy Burford mentioned, to a 33-year-old woman just recently. I attended, and I was not the only Deputy, I attended the vigil on Tuesday night. There were lots of poignant stories and those are important.

But I think the most poignant moment of all was when a speaker towards the end read out a list of women who have been murdered. And it missed out – I do not mean missed out because it was negative – it missed out the estate agent who was murdered all those years ago whose parents died without knowing where their daughter's body was buried. A catering worker who went missing several years ago and her father died just recently without knowing where his daughter was buried.

Overwhelmingly these are sexual assaults and worse by men on women. There are 8%, 10%, I do not think percentages overly matter really, attacks on men. It is generally savage attacks on women that should never ever occur. Sometimes things come out at you out of a, I cannot say clear blue

sky because that gives the impression of sunniness, this is a real black sky, a thunderstorm of hatred, abuse and I do not know what other words, what other adjectives to use.

So this is something we should have. And I do not mean it to take away from the points Deputy Burford made and I do not mean to say we do not have a problem in Guernsey, I think it is probably less in Guernsey but it is still a significant problem. We are a more lawful community than most places and I want women, females, whether they are 8, 10, 15, 73, whatever age, to be able to walk home when they want, at any time of the day, dressed how they wish, and to live their lives as they are, free from worry.

Now that is never going to happen totally because it is not going to happen. But we should do our best for those people who are abused by, generally, males, physically and sexually abused, attacked, raped, whatever it may be, indecently assaulted, to have somewhere they can go. They do not necessarily want to go to a police officer, they do not necessarily want to make a complaint now and it may be something, think of a 12-year-old child who may be abused by a parent. They have got nobody to turn to. It may be they are 25 or 30 before they can turn to anybody, before it comes out, before they feel they can. They could be 50. They should be able to go somewhere.

A balance of those, I do not know the percentages, will never ever want to go to the Police. They do not want it prosecuted, they are never going to get it out of their system, but they just want to feel they are being understood, they just want to have some kind of assistance, whether it is from a counsellor, a psychiatrist or somebody else.

I appreciate the points very ably made by Deputy Prow and by Deputy Meerveld, but sometimes there is something that is just a bit more important than process and substance and Rules and regulations. I have absolutely no hesitation in saying that this is the right thing. Of all the amendments, other than those that P&R has conceded, this is the best by a million miles.

**The Bailiff:** Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** Thank you, sir.

I am very encouraged to hear that Deputy Ferbrache thinks that saving lives, literally saving lives, is more important than hiding behind some Government process, especially when just earlier today we have unanimously agreed the amendment that added a fourth Government priority, right-sizing Government, and under Rule 4(3) information section it said that there would be no additional financial implications for the States and that further work will be done for the Assembly before 21st July to identify areas where it might.

So what we are trying to bring here is something that fits entirely into the existing governance process of the Government Work Plan, that tries to highlight one specific issue, which affects the lives of half of our population. Every day, Deputy Meerveld, in Guernsey, at least one person is subject to sexual assault and abuse. In the vast majority of cases, that person is a woman and that case goes unreported 95%-98% of the time, depending how old you are.

You get a bit more assertive when you become older, in reporting. A recent poll by UN Women UK found that only 3% of women aged 18-24 – 3%! – did not experience any sexual harassment at all. That means nearly every young woman in the UK had been subject to some type of sexual harassment. Such harassment ranged from being cat-called and wolf-whistled, being stared at in a way that made them feel unsafe and uncomfortable, body rubbed and groped, to being physically followed, being forced into participating in sexual behaviour or exposed to indecent jokes and online comments.

That statistic does not get much better as you get older. You may say it is all well to look at the data in the UK, Guernsey is much safer. Perhaps a little bit; but let us think twice. In 2019, the annual Bailiwick of Guernsey Law Enforcement Report showed 137 cases of sexual offences. In 2020 the Bailiwick of Guernsey Victim Support and Witness Service received 33 referrals for victims of sexual assault and abuse. We know that only a fraction of cases get reported and so those 33 annual referrals are only the tip of an iceberg.

Since the tragic death of Sarah Everard, many stories of Guernsey women and girls, as young as the age of 11, have been profiled in the media. As a mother of young daughters, it breaks my heart to realise that sexual harassment is going to be one of the subjects to preach and educate them about.

Since laying the amendment, Deputy Burford and myself have received numerous emails from local women in Guernsey. One of the women is still suffering from the trauma of abuse that happened nearly two decades ago. She refrains to take part in medical examinations if she knows she will be seen by a male doctor, including gynaecological visits and psychiatric services.

She is too afraid to do home repairs, too afraid to have unknown repair men in her home. Even wearing a face mask during lockdown made her feel anxious and unable to leave the house on many occasions as the sensation of the mask covering her mouth and nose felt like a hand being placed over her mouth to stop her from screaming for help.

I also had a good friend come out and share her numerous stories of assault. I would have never imagined my joyous life-loving friend having gone through years having to bottle up such incidences, too vulnerable and afraid to share and feeling like she had nowhere to go. How is it possible that in 2021 something so prevalent and that detrimentally affects the vast proportion of our population is mainly addressed through the hard work of charities like Safer and Victim Support.

Now sexual assault and harassment is not something that can be easily fixed and requires solutions from many angles, including changing deeply held social and cultural norms and beliefs. We know and we fully trust that our colleagues at Home Affairs have signalled that a Domestic Abuse and Sexual Offences Strategy is one of those priorities, albeit that it might now be wrapped in the wider, gigantic Justice Review.

But as Deputy Inder commented in the Q&A session to Deputy Prow just this week, if we wait for all ducks to line in a row it will be years before anything happens. He is absolutely right. Is it appropriate that we have to wait for all the pieces of the puzzle to fit together and will they ever be in place? Or do we have enough evidence today for solutions, so we can start acting today?

Deputy Burford has made the clear case for one solution, a sexual assault referral centre. A proven and essential service, a safe place where victims can come forward and receive all the support they need, including collection of forensic evidence and mental support. The best part is that is something that can be effectively commissioned out to the third sector with very limited amount of funding.

Charities such as Safer and Victim Support would step up to the service with additional funding for staff and premises. They are already providing some essential but highly over-stretched services and are too-reliant on donations and fundraising. They know that what they do meets the demands at the tip of the iceberg.

Deputy Prow, sorry?

**Deputy Prow:** Thank you, Deputy Kazantseva-Miller, for giving way.

I am really apologising for interrupting you but the point in your speech where you were giving some criticism to the Committee for Home Affairs, I just want to make it absolutely abundantly clear for the avoidance of any doubt, I completely agree 100% with Deputy Ferbrache's speech. I appreciate you have not finished your speech but I completely and utterly endorse what you are saying.

The point that I am making is the question of a SARC is already something that is under consideration and you mentioned the question of resourcing but this is what the Government Work Plan is all about. It is about getting the States to agree to fund and resource not only the SARC but the whole domestic abuse piece and all the issues that you have mentioned. But I just want to make it absolutely clear that the Committee for Home Affairs completely understands that and understands, as Deputy Ferbrache has said, and you have said, quite rightly, the feelings of women and girls and that is beyond question so thank you for giving way.

**Deputy Kazantseva-Miller:** Thank you to Deputy Prow and you have made that point clearly and I will come to that later in my speech as well. So both charities have shown overwhelming support for the establishment of a SARC as soon as possible, and we should really listen to the professionals and volunteers on the ground that deal with abuse on a daily basis.

A SARC is literally something that can be up and running within months, rather than years, and fill a critical gap in provision and of course this is down to resources and commitment. I have come from a world of business where innovation and new services are key to meeting customer demands, projects are launched small-scale and as trials, you do not wait for five years and a 360-degree strategy to get completed, you start small, find your customers, you act today, because the demand is there.

We estimate that a modest £200,000 per year will be required for a service that will help address an endemic issue of sexual harassment and violence that affects women in Guernsey on a daily basis. Perhaps that could even be funded out of the funding from the Seized Asset Fund that we have discussed earlier this week. Action today on sexual harassment is long overdue. It is tragic that so little has been done so far and this issue has not been recognised more broadly, so we must collectively draw a line on such under-investment and under-consideration.

The reason we wanted to bring this amendment is that it is important to ask for your clear and unequivocal commitment today that you think it is important to highlight SARC – because we have presented enough evidence, we have talked to the professionals and the community is asking for it – as an action that is worthy of research and the funding being part of the Phase 2 of the Government Work Plan in the next four months rather than as part of Phase 3, where the wider Domestic Abuse, Sexual Offences and Justice Review will take place.

All the work, all the further work in the three months that we all have to undergo as part of developing the Government Work Plan will take place with regard to this issue. There is of course no guarantee that the SARC will make it through the sausage machine of policy design if it is left to a later stage in the policy.

We now know all too well how easy it is for political discourse to change, how quickly extant Resolutions can be rescinded and how long it can take to make anything happen. This is really not a matter of trust, it is really a matter of timing and resources and so, on behalf of every single woman and man who has suffered abuse and hundreds who will suffer it between when we make this decision and when a solution is established, we ask for your commitment today.

Because with this clear commitment and the debate in July it is possible that a SARC could be operational within year rather than within this term. And this literally will save lives. So I ask all Members one final question: do you want to carry the burden of delaying this process behind excuses of governance Deputy Meerveld was talking about, and being responsible for hundreds of victims of sexual assault not having a dedicated safe place to go? So, I do urge all Members to vote for this amendment today.

**The Bailiff:** Members of the States, before I call any other Member to speak I want to draw attention to two matters that feature in the Rules of Debate in Rule 17. Particularly to draw attention to Deputy Prow speaking directly to another Member rather than speaking to the Presiding Officer, which is a breach of order and simply, as well, to encourage Members to try and speak as indirectly as possible by using third person language rather than speaking directly to any Member and referring to a Member as 'you' because frankly it does not help. (*Interjection.*) I understand that, Deputy Prow, thank you.

The other breach of Rules that I am going to draw attention to is that where a Member does give way to another Member that Member has to resume his or her seat at that point and only rise again once the other Member has resumed their seat. We should not have people cluttering up the Chamber by standing at the same time. There should only be one at a time. With that little homily on a Friday afternoon, I will wait for somebody else to stand up. Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir. I will be very brief.

I think there have been some really good contributions already. It was Deputy Meerveld that got me thinking, actually. He said on the one hand that he fully supports the SARC, which is very good to hear, but on the other hand, process in this circumstance is more important because after all, and I paraphrase here, I do not have the exact words, but I think Deputy Meerveld said something along the lines, after all the Committee for Home Affairs might end up suggesting something more appropriate for the Guernsey context.

It was at that point that my heart sank, actually. Because to me that can only mean one thing. It can only mean something less effective. Something less than what we need. I think the case is absolutely clear cut and that is why I fully support a SARC, I am going to fully support this amendment and I would like to ask for a recorded vote.

Thank you.

**The Bailiff:** Deputy Leadbeater.

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

Listening to the contributions from everybody here, everyone is right, really. The Committee is right in that we want to respect the process that the officers have laid out for us, we want to respect the other strands of the Domestic Abuse Strategy and the wider sexual offences issues.

We want to see the establishment of a SARC. We have read the letters from Victim and Witness Support, etc. supporting the establishment of a SARC. The only concern I think the Committee has got is we do not want to be seen to be micromanaging this Strategy. There are many different elements to the Domestic Abuses Strategy, the whole wider justice picture, piece which it is kind of consumed into.

There are loads of bits of work like the extension of the perpetrator schemes, the educational drives, I know that there have been DVPNs and DVPOs that the Public Protection Unit have wanted for a long time to be able to protect people in their own homes. These are all really crunchy bits of work.

I do not work on the coalface so I do not want to be the person to turn around and say, 'You concentrate on that area there.' Because these are the people that specialise and deal with these issues and I think it should be up to them to be able to prioritise the different workstreams within these strategies. Having said that, as a Committee, we are not going to oppose this amendment whatsoever so I will abstain on this.

Thank you.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** In a few minutes we will have to decide whether we are going to try to conclude today, so the last thing we want are long speeches, but I will just say I agree with the amendment. I heard what people were saying at the convention, the meeting the other night. They did bring up a point that I have brought up with Deputy Prow, that there were perhaps 137 allegations of sexual assault, of which apparently only six or seven were prosecuted. So that is an issue in Guernsey. Perhaps not as bad as the UK but it is something to look at.

I agree entirely about the whole issues of the perpetrator programme and I think that this ... Deputy Meerveld has a technical point. It does rather jump a queue in one sense but I do not really deep down believe this kind of planning structure is great for Guernsey. I think looking at an issue and dealing with it and moving forward in an active way as quickly as possible, when you identify a gap or need, is the most effective system.

This, hopefully, at the beginning of a term and at an important time culturally and in terms of our renewal on many levels, is the right time to bring it and we should get on with it, encourage all of the States, including Policy & Resources, to work inter-disciplinary and ensure Home Affairs have the resources Deputy Prow and his Committee need.

One point I would also make, Deputy Prow did put up a balanced Committee but the States in their wisdom also included the excellent Deputy Leadbeater on the team. But I believe he has an all-male Member team and, you know, we want to ensure we are sending out the right message to everybody, we are all moving forward together.

**The Bailiff:** Deputy Vermeulen.

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

I think we should recognise the contribution that the Women's Refuge has made to Guernsey so far, since its inception in 1998. It is a private charity and has indeed won the Queen's Award for voluntary services, so let us not forget until now that has been dealing with these as best as it can.

At Home I would have welcomed any discussion with the two Deputies that are bringing this amendment but we have unfortunately not had any discussion. I did have concerns how that might affect that particular charity but perhaps Deputy Burford can formally in this Chamber enlighten me on that matter.

Yes, Home are bringing SARCs forward and I was a bit surprised to receive this amendment, really, but we will not be opposing this amendment. But I would have welcomed a bit more, or any discussion before this amendment was laid, just purely so I could have discussed any concerns about the survival of the charity or perhaps how it is going to be financed in the future, just to understand where we were coming from.

As far as slow progress, our P&R have drawn up this Government Work Plan in record time, so full marks there. The people on our Committee, on our Home Department, we are action centred. So this is going to happen even if this amendment fails. But yes I would like to hear a little bit more from Deputy Burford if I can.

**The Bailiff:** Deputy Taylor.

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

I am going to start with a caveat that I feel incredibly nervous to stand up and talk now, which I think is really stupid, because I am 100% behind the establishment of the SARC. Like the other Members of the Home Affairs Committee I will refrain from voting, mainly based on the fact that I think our officer advice is to do this in a slightly different order than is being put forward.

But I think the reason for my concern and Deputy Gollop has maybe inadvertently touched on it is highlighting that we are an all-male Committee and where I feel a bit confused with the amendment, I feel it is almost portraying that us as a Committee may have tried to get rid of this, we were trying to throw out an extant Resolution and it has been seeking to put it back in. I should probably just stop talking because I will probably end up with my feet in my mouth.

**Deputy Kazantseva-Miller:** Point of correction.

**The Bailiff:** Point of correction, Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** Sir, again, this has nothing to do with extant Resolutions, this is all about the recovery actions and noting the recovery actions. Thank you.

**Deputy Taylor:** Thank you.

To clarify I am not suggesting that it is coming in that way. I feel that we have tried to wipe this off the table and to try and get rid of and it is being corrected that we should put it in, when actually we were 100% behind the establishment of this through the – I am sorry my mind has gone completely blank – through the Domestic Abuse Strategy. It is item number two or number three of our Committee meeting on Monday morning. That is how intent we are to be getting on with

this. So I will be refraining from voting but I am absolutely 100%, categorically behind sorting out a proper Domestic Abuse Strategy. Thank you.

3620 Sorry I give way to Deputy Leadbeater.

**Deputy Leadbeater:** Sir, I thank Deputy Taylor for giving way.

I want to agree with what he is saying. Basically what my colleague Deputy Taylor was saying is we do not want the media and social media to be looking at the Committee for Home Affairs, thinking this is an all-male Committee and they are trying to block a sexual assault referral centre, because that is certainly not the case. That certainly is not the case.

Deputy Kazantseva-Miller did actually say in her speech, suggested we were hiding behind Government process but I can assure her that we definitely are not hiding behind Government process and the Committee is committed to delivering every single part of that Strategy. Thank you

3630 Deputy Taylor for giving way.

**Deputy Taylor:** Well thank you, sir. That is me.

**The Bailiff:** Deputy Dudley-Owen.

3635

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

This is a really important amendment but I feel desperately sorry for the Home Affairs Committee because clearly they all feel very uncomfortable about the way that this might be portrayed and their desire to push forward with a strategy in the way that they have been advised and to leave people, the experts, the professionals who deal with this really sensitive, very difficult topic, and they want to leave those people to lead them. They feel that this casts them in a light because they have received this advice but also they have got this conflicting desire to push forward with this and not to oppose this amendment. I do feel a great deal of sympathy for them.

This particular amendment is a difficult one for me because I want to support the Committee and that process but equally so I know this is hugely important for women, I really do. I will support this amendment but I do want Deputy Burford to please refer back in her summation to a statement she made in her opening speech and explain about the logic behind the statement that she does not want the action to establish a sexual assault referral centre to reduce funding in other areas and take it away from other priorities. I am not quite sure that I understood that properly and I would be very grateful.

I really think that this subject makes a lot of the chaps in the room feel a little bit uncomfortable because they do not want to be seen to be pushing against it but I want to finish by saying I really hope that none of the intentions or the statements that have been made by some of our male colleagues are going to be misinterpreted in this because I believe that every single person in this room wants to see crime against women, violence against women, sexual assaults against women – and men – reduced massively.

As I referred to earlier this week, to Deputy Gollop, this is not about street lighting policy or sexual assault referral centres. Those are sticking plasters to some really severe and traumatic wounds. This is about cultural attitudes. This is about the pervasiveness of how things like social media penetrate the minds of our young people and confuse. This is about some inherent difficulties that people face and how they react towards others. It is much deeper than just Government policy.

So we all need to recognise that and I think we all need to work very closely together in putting our arms around vulnerable people and guiding our young people, especially, in some really quite strong ways in terms of the attitudes and some of the behaviours that we see that we know, as adults, are not healthy in our youth. Pornography amongst one of them, the pervasiveness amongst social media and how pornography, we know, in some areas can really be so hugely damaging to some of our young people.

So I really think that this is a much bigger thing and there is a huge amount of conflicting issues around this and we need to grapple with this. It is a moral thing that we need to try and unpick. I



3670 will support the amendment but it is with a tinge of reluctance because of the position of the Committee but no reluctance at all on part of the intent of the layers of this motion.  
Thank you.

**The Bailiff:** Deputy Dyke.

3675

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

I have been lying and fretting about whether I would speak on this. I thank Deputy Dudley-Owen for her words. I somehow feel I now have permission to say something. I am a father of three daughters, all of whom live in or around London. One of them actually knew the poor woman who was killed in south London a few weeks ago, from Durham University, and my youngest daughter actually lives a couple of hundred yards away from where this lady was taken and killed.

3680 So I am very sensitive to these issues. As with everyone else in this Assembly, I think that we should be doing everything to protect the safety, in particular, of vulnerable women, whether in the domestic situation or in a somewhat different situation of violence on the streets and threats on the streets. They are very different issues to a point, although with a commonality.

3685 My only concern here is to rush through proposals based upon what is a current frenzy of media and Twitter activity, without due consideration. We do have Rules as to how we do these things, to avoid making rash decisions in the heat of the moment, under circumstances where some of us might not feel free to speak.

3690 That is my concern. I share the concerns of Deputy Meerveld on that. I am reluctant to force the Home Department to act in a certain way in this matter where they have already said that they are proposing to deal with it, including a special centre and all the related issues, which are actually quite complex.

3695 So, I think those things are worth saying. Having said that, the Home Department have said they are not opposing this, so I will abstain on the vote.

Thank you.

**The Bailiff:** Deputy St Pier.

3700 **Deputy St Pier:** Sir, there are some concerns about the process here and whether things are jumping queues. Of course we had first fish jumped the queue, excuse the pun, so I think again as Deputy Ferbrache said, there are times when process should not get in the way.

3705 I want to start with Deputy Dudley-Owen's comments about cultural change being the far bigger issue. I would absolutely echo that. Whether it be, I think she described this response as being one of the sticking plasters, if you like, addressing the symptoms of the problem rather than actually tackling the cause of the problem.

3710 I think for that reason alone, particularly given the current environment, it would be extremely foolish for this Assembly to reject this amendment today. Because it sends a signal to the community. The community will not understand the nuances of what may have gone in here in terms of people deciding that it does not fit within the Government Work Plan process, Stage 1 and it is something being looked at in a Justice Review in whenever, as part of the Domestic Abuse Strategy.

3715 There are times I think it is important that Government sends a signal and I think this is one and I think the timing is good for the Assembly to be able to send that signal to the community that cultural change really is important, this is an issue which is taken very seriously by their Government and will be addressed.

3720 In that context I think the Committee for Home Affairs clearly are struggling with this and the feeling that the concern about how it will be perceived if they are not supportive of it. I would say to them that this is one of those amendments that if the essence of it is something that you are doing anyway then you should not be afraid of it. It is going to be easier to embrace it than to oppose, if it does not actually cut across what is going to go on.

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

3725 **The Bailiff:** Point of correction, Deputy Leadbeater.

**Deputy Leadbeater:** The Committee *for* Home Affairs are not going to oppose the amendment.

3730 **The Bailiff:** Deputy St Pier to continue.

**Deputy St Pier:** I apologise. I had understood that. I suppose what I was encouraging them to do was actually to support it rather than be seen to be neutral on it.  
I will give way to Deputy Taylor.

3735 **Deputy Taylor:** I thank Deputy St Pier for giving way.

I would like, through you sir, to bounce something that has been going around in my head and bounce it to you and onto Deputy St Pier, on the perception surrounding this issue. I feel like my mind has completely gone blank again, I am really struggling here.

3740 It is about the message that goes out to the people of Guernsey and I am not objecting to this amendment but coming through as an amendment, the message that gives as opposed to .... This is something that we have been working on and we intend to do. How could they be interpreted a little bit differently and is a better message that we have been working on this, this is something we are fully committed to and that should be a good signal for the people of Guernsey.

Thank you.

3745

**Deputy St Pier:** Thank you to Deputy Taylor for that comment. My response to that, sir, I think that is a nuance that will simply be lost on the community. The fact is that this is the first opportunity that this Assembly, by chance, has had to discuss this issue at a time when it is very high profile. What has gone on in the past and how far it is down the sausage machine I think is of little consequence or interest to the community, who are not following the processes of the States that closely.

3750

So, I take the point but I stand by the comment that I think it would be wiser to embrace this solidly, with solid support from the community. In relation to Deputy Dyke's comment about rushing it through I think he should take some reassurance that all it is, is putting it into the Government Work Plan process, it is not as if we are suddenly cutting the cheque here today on the floor of the Assembly on the back of an amendment. It is feeding it into a process.

3755

I think Deputy Vermeulen raised the point and I am sure Deputy Burford will address this in relation to the Women's Refuge. The Women's Refuge clearly is not an appropriate location for those who are not seeking refuge and of course for male victims of sexual crime and they do not really have necessarily the role or experience or the training to the extent that would really be required. I am sure Deputy Burford will speak to that further.

3760

My final point is in relation to the mental health cost of this because that has not been an issue that has really been touched on in debate but the mental health consequences and the lost productivity that comes with that for the economy, but of course most importantly for the damage which is done to the individuals and all that flows from that in terms of consequences for our Health & Social Care system, this is a classic example where actually prevention, obviously we have not been able to prevent the crime, but we can help prevent some of the consequences or at least mitigate some of the consequences of the crime with a sexual assault referral centre and for that reason alone it is something which absolutely must be progressed with as much haste as is possible, subject to the processes that it is now being fed into as a result of this amendment if it is successful.

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**The Bailiff:** As no one else is rising, I will turn to the Vice-President at this time again, to reply on behalf of the Committee to the debate. Deputy Soulsby.

3775 **Deputy Soulsby:** Thank you, sir.

This amendment does provide more detail to the recovery action as set out in the policy letter. Again, P&R believes it is for the Assembly to determine whether it is something that should be explicitly set out in the Plan at this point in time. However we are conscious that there has been a renewed focus on the issue of sexual assault over recent weeks, indeed I think it is sad that it has taken the death of another young woman in England for this to get the attention it deserves.

3780 Just following on what Deputy Dyke said, I lived when I was a student, just around the corner from where Sarah Everard was last seen and I know when I lived there back then, there was no way, I felt really uncomfortable walking around there at night and nothing seems to have changed in those years.

3785 We know from our community survey data that lockdown took a toll on relationships and we know that the Committee for Home Affairs is already working up a review of the current Domestic Abuse Strategy, as it is detailed in the emerging actions and as Deputy Prow has very clearly spoken about today and this action will look to focus Government, public services and voluntary agencies on the co-ordinated and effective delivery of services geared tackling domestic abuse.

3790 But I think we are at a stage, and I think it is very much felt in terms of what was said already in terms of process and can process sometimes get in the way with what is right at this moment in time. As Deputy Dudley-Owen has said, I do have huge sympathy with the Committee for Home Affairs. They are saying they are doing it. They have been looking at this as a diligent Committee and saying, 'We have got these things to do and we will do it. We have got to look at other stuff.'

3795 I have real sympathy because I have got experience of that myself. Last term, as part of the Partnership of Purpose in Health & Social Care we said we were going to review drugs and treatments and Deputy Prow knows that because he was a fellow Member of that Committee. Then we had a requête that came along and moved things along. That is fine and that is democracy.

3800 I totally understand how hard it feels for the Committee for Home Affairs to be felt like they are being done to when they are already doing it and the impression that that gives to the public that they did not want to do anything but really they did. I think it is really important that is made clear that we know this is what Home Affairs want to do and this is work that they were already doing.

I do have trust in the Committee for Home Affairs who I think are right not to oppose the amendment. I see no reason why they should not, really, vote to support it. So okay. But I think the best comment made during the debate was from Deputy Dudley-Owen and really resonated with me from a Health & Social Care point of view, that real focus we have tried to have over the last five years, more – previous Committees trying – on prevention and early intervention. Prevention.

3805 We should be stopping sexual abuse, domestic abuse. We should be stopping this happening, minimising and helping people to avoid that happening and not have to spend money on this SARC, whatever figure it is, and hopefully be able to avoid –

3810 I will give way to Deputy de Sausmarez.

**Deputy de Sausmarez:** I am grateful to Deputy Soulsby for giving way.

3815 Would she not agree with me though that we are not going to just educate people into changing their behaviour and people are already committing domestic abuse and sexual assault, they probably already know that that is wrong so we do need some of these more tangible things to drive systemic change and it is all part of that bigger picture of cultural change?

3820 **Deputy Dudley-Owen:** I thank Deputy de Sausmarez and I am not saying it is an either/or, but I do wonder where our priorities should be. I totally understand why we need the SARC now but I think sometimes Government it loves to do things to be seen to be doing stuff – and I am not saying necessarily in this case – instead of focussing on the longer, bigger picture, long-term prevention and early intervention. Our whole, wider *raison d'être* should be to look in the long term but it is so hard in politics to be able to do that.

3825 But I am not against SARC, my comment was really, I think Deputy Dudley-Owen has made a really good point. It is not exclusive. It is not an argument about whether we have a SARC or not, it is about why we have such abuse and what we can do to minimise it and really protect members of society in a different way. I want to say very clearly I will support this amendment and I understand all members of P&R will be as well.

3830 **The Bailiff:** I turn to the proposer of the amendment, Deputy Burford, finally to reply to the debate. Deputy Burford.

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

3835 First of all thank you to all Members for the debate. I think it was a very good debate and I want to pick up on quite a lot of points and I hope Members will indulge me if I have various pauses as I bring together my thoughts from a lot of the important things that Members did say.

I would like to start with Deputy Prow because I think there are some very important points that came out and I completely understand Deputy Prow's position on this and I also understand the comments that various Members have made in support of that position. What I would say and I hope Members would understand this, I was fully aware of the email of the Home Affairs Committee dated 15th January, which mentioned this, before I drafted my amendment. But as we all know the list that we have of 46 emerging actions here, they will not all survive and not all of each one will survive. That has been made clear.

3845 These 46 ones have to go through a prioritising process between now and the policy letter that comes in July and we have been told not to expect that everything will necessarily go forward. This is what the different Committees have put forward. I am very heartened by the emphasis on domestic abuse and associated matters because of course the people who would use a SARC are not all victims of domestic abuse even though some will be, it is wider than that but it is a convenient place to park it under the Domestic Abuse Strategy.

3850 There is a list, which includes the SARC, which was going to be considered, there are other aspects including things for the Child Contact Centre. I am aware of all of this and I support all of it. But it is going to require significant increase in budget. The SARC will be the biggest single item at £200,000 *per annum* revenue cost but there will be others.

3855 I have seen what has happened to the Domestic Abuse Strategy over previous years. I brought an amendment in 2015, which prevented a 20% cut in the Domestic Abuse Strategy, where lots of different aspects of it were going to be cut and even since then, in the new one that started in 2015 and technically ran out last year but is being rolled over, there has been an 11% cut in real terms. The money only seems to go in one direction where domestic abuse is concerned and this is part of the reason that I wanted to get the Assembly's specific support for this particular part of it, which I think is absolutely vital, to avoid it falling victim to that trimming down operation, which is inevitably going to happen between now and July.

3860 So therefore it was not a lack of trust in Home Affairs at all. Like I say, I am particularly heartened by this Home Affairs, who seem to have a much better handle on the importance of domestic abuse issues. It is not a lack of trust and I am a little uncomfortable, I have to say, with that narrative, which has run through today about a lack of trust in Committees because I do not see it as a lack of trust, I see it as the fact that this Assembly is here to direct Committees and to make sure that we have Resolutions in writing. Because the alternative, I think as Deputy Roffey said this morning, is just to let everybody get on with everything without direction and hope for the best. This is nothing to do with a lack of trust in Deputy Prow or his Committee Members, so I think I have underlined that sufficiently.

3870 Deputy Prow did also ask, he had concerns about what my underpinning motivation was. I think I made that clear in my speech. My underpinning motivation is there is a long neglected need for this service for victims of sexual abuse and I think there is no other motivation that I have.

3875 Deputy Meerveld, poor governance, abuse of process, not a new Proposition, on we go. I did actually, when I drafted my speech originally, start off and in fact it was in discussion with my

seconded that I actually moved it, I started off with a defence of the accusations which I knew would come about abuse of process. So it was there in my mind at the beginning and I fully understand why Deputy Meerveld has raised it and I have still got that page written down here and I was going to deliver it in my summing up, after Deputy Meerveld spoke, and then Deputy Ferbrache spoke and I thought I do not need to say that now.

Deputy Ferbrache, thank you very much. I appreciate your support and I think you have said all that needed to be said about sometimes process is not king. I would say, I take advice from the Presiding Officer if he feels differently, but I am not convinced that this is a breach of Rule 4(3) insofar as no finance is being discussed at this point. More to the fact that Deputy Meerveld said we have no idea of the cost, in the report to the amendment it said it will cost £200,000. I think we do have a very good idea of the cost, it will be around about £200,000. It has been looked at, probably not in the manner that a five-part business case would be to get down to the last 50 pence, but it has certainly been looked at by quite a few people.

This matter has been under discussion for at least two years in the third sector and I think that that is a reasonably fair, accurate assessment and I think it is important Members know when they are voting on that. That financial information, as required by Rule 4(3), is in the report to the amendment.

Also, just to wrap up one final point about cherry picking and pet projects. I could have brought a requête. That would have been another way of doing this. I have never brought a requête. I have never appended a signature to a requête. I am not sure if Deputy Meerveld has. This just seemed to be – I suspect he has not – this just seems to be a more appropriate way of doing it as part of the Government Work Plan, so that is where my thoughts were.

Thank you to my seconder, Deputy Kazantseva-Miller, and the only thing I would say about that is she mentions about women but I just want to put people's minds at rest that the SARC is not just for women, it is for all victims of sexual abuse and violence.

Deputy Leadbeater said about it being a standalone item and micromanaging. I feel this must not be dragged into the wider Justice Review and that is where perhaps I part company with the Committee for Home Affairs because, to repeat what I had in my original speech, we end up trying to do everything before we do anything and I honestly do believe this can be a standalone issue. I really think that the evidence is there, it is overwhelming.

One of the things I was going to say, which I cut out of my original speech, and I will mention it now because I think it is appropriate in this context, is that I think this is a decade, at least, overdue, and there is a lot of evidence to show that, when women are under-represented in parliament, issues which generally pertain more to women – and this one certainly does – tend to be neglected. I do not think it is done out of malice, I do not think it is done for any bad reasons. I think it is just that we, as human beings, understand our own lived lives more than those, perhaps, of the opposite sex.

Therefore I really think that this is long neglected and that there is every case and it could be done as a standalone item. All it requires in terms of resource is a service level agreement tendered to the third sector. I think it could be done as a standalone.

Thank you to Deputy Gollop for his comments and support. To Deputy Vermeulen, I was a director of the Women's Refuge, so I have some knowledge of it. It is actually grant-funded through Home Affairs, it receives a grant so it is part of the umbrella of the wider Domestic Abuse Strategy. However, a SARC is not just about domestic abuse and it is not also residential. The whole thing with the Women's Refuge is it is a residence for women fleeing domestic violence and just for women. I think the Women's Refuge is really important but this is something entirely different.

In terms of contacting Home Affairs, one of the very first things I did when I was drafting this amendment some considerable time back now, was to call Deputy Prow and I spoke to him. If Deputy Prow did not communicate that with the rest of his Committee I apologise if perhaps I should have called each Member of the Committee but I certainly did call Deputy Prow to discuss it. He expressed some concerns at that stage because a lot that has been said today that it is something that is very much on Home Affairs' radar.

His concern, also, at the time, that he expressed to me was the possible appearance of undermining the Government Work Plan and I respect that view and Deputy Prow is absolutely right to hold that view. I decided to bring the amendment, nevertheless. But I did contact him.

Deputy Taylor, I think this was already picked up. It is not throwing out an extant Resolution. There is no Resolution, sir, for this service. I hope that Deputy Taylor can perhaps move from refraining from voting to actually supporting this amendment with the explanations that I have given here in my response.

Just one other point to underline on that. I am not trying to show the Home Affairs Committee in a bad light at all. I have praise for the Home Affairs Committee on their raising of important issues on domestic abuse. What the media do, I am afraid, is outside my control and I am sure we would have all felt that at some time.

Deputy Dudley-Owen, I think the only thing I have to pick up on was to agree thoroughly with your points about culture. The good news is actually and this relates as well to many of the things that Deputy Soulsby said, even the purpose of SARC it is at the end of the process, it is picking up the pieces at the end rather than stopping them happening at the beginning and I have always been about early intervention, stopping things from happening, but we also have to be realistic.

As Deputy de Sausmarez said, we are not going to stop this from happening overnight. We need something there at the end to pick up the pieces and to also try and rebuild lives. But what a SARC can also do is it in itself can start to change the culture and that can happen in various ways and one of the ways it can happen is that it often links together information on perpetrators, because often a perpetrator does not just abuse one woman. So intelligence can be gathered in that way. And it can highlight the problem more. It can lead to more convictions for people who want to report their abuse, it can lead to better forensic gathering.

So it has many positives, which slowly – and it will be slowly – can also help, together with many other things, to feed into a culture change.

I also would pick up as well on the point that Deputy Dudley-Owen made about the role of pornography in society and I completely agree with you. I think that is, amongst young boys in particular, a real issue.

Deputy Dyke – I have to find another piece of paper here – I am not sure if Deputy Dyke was one of the several people who missed the start of my speech, because I know several people did go out after we had an hour-and-a-half solid on the previous one. It is only short so I am going to read it again because I think it will perhaps put his mind at rest and hopefully I am aiming to move Deputy Dyke from abstaining to actually voting in favour, so here goes.

I submitted this amendment and drafted the body of this speech before the tragic and widely covered murder of Sarah Everard and I do not intend to set my arguments in the context of those dreadful events or in the outpourings that stemmed from it. Whilst that event may have served to publicise and underline the need for a SARC, the need existed long before. This is not a kneejerk proposal or one borne of the understandable reactions or emotions surrounding that event.

So Deputy St Pier, thank you for your support and I have already responded to Deputy Soulsby. So I think that is pretty much everything I want to say and I would urge everybody to support this amendment and I particularly hope that Home Affairs can do so also.

Thank you.

**The Bailiff:** Members of the States, we come to the vote on Amendment 7, the final amendment to this set of Propositions. This one is proposed by Deputy Burford, seconded by Deputy Kazantseva-Miller and there has already been a request for a recorded vote, so we will have a recorded vote please, Greffier.

*There was a recorded vote.*

*Carried – Pour 34, Contre 0, Ne vote pas 1, Absent 5*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Cameron	None	Deputy Meerveld	Deputy Inder
Deputy de Lisle			Deputy Le Tocq
Deputy de Sausmarez			Deputy Parkinson
Deputy Dudley-Owen			Alderney Rep. Roberts
Deputy Dyke			Alderney Rep. Snowdon
Deputy Fairclough			
Deputy Falla			
Deputy Ferbrache			
Deputy Gabriel			
Deputy Gollop			
Deputy Haskins			
Deputy Helyar			
Deputy Kazantseva-Miller			
Deputy Le Tissier			
Deputy Leadbeater			
Deputy Mahoney			
Deputy Matthews			
Deputy McKenna			
Deputy Moakes			
Deputy Murray			
Deputy Oliver			
Deputy Prow			
Deputy Queripel			
Deputy Roffey			
Deputy Soulsby			
Deputy St Pier			
Deputy Taylor			
Deputy Trott			
Deputy Vermeulen			
Deputy Aldwell			
Deputy Blin			
Deputy Brouard			
Deputy Burford			
Deputy Bury			

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

Members of the States, the voting in respect of Amendment 7, proposed by Deputy Burford, seconded by Deputy Kazantseva-Miller, was there voted Pour 34, one abstention, five Members were absent at the vote and therefore Amendment 7 carries and we move into general debate.

3980 I remind Members of the States that there have been three successful amendments so that is Propositions 1, 2 and 3 have been changed but Propositions 4-9 have not. Proposition 1 and 2, Amendment 8, Proposition 2 see the addition in Amendment 4 and Proposition 3 see the addition in Amendment 7. There may or may not be a set of revised Propositions coming for you at some stage.

**Procedural –  
Motion to extend sitting –  
Carried**

3985 **The Bailiff:** Deputy Ferbrache, you leapt to your feet.

**Deputy Ferbrache:** Two things, sir. Firstly, just to mention Deputy Le Tocq has been absent from certain votes, he is on States' business. I just want to record that because these are public matters. He is on States' business, very important States' business. Secondly, sir, we are coming up to

3990 5.15 p.m., we are about to enter general debate. I can think of one or two people who may be speaking for longer than 15 minutes, not me. It is really a matter for the States, whether you would allow the States to indicate whether they want to carry on beyond 5.30 p.m. or whether they want to adjourn. You have already indicated if it is an adjournment it is until tomorrow.

3995 I do not know how many people, I imagine there will be a number that want to speak in general debate but could I suggest that perhaps we agree to continue for an hour to 6.30 p.m.? That is just a suggestion.

4000 **The Bailiff:** Members of the States, before we move into general debate proper, is it your wish that we continue the sitting today until, Deputy Ferbrache is suggesting 6.30 p.m. and see where we get to? The alternative, as he said, is that because this is the second day of this Meeting then in accordance with Rule 6 (3) we would be adjourning until tomorrow. There are no options for next week by the way if anyone is thinking that. Deputy Burford?

4005 **Deputy Burford:** Could we also consider staying longer than 6.30 p.m.?

**The Bailiff:** I was going to put 6.30 p.m. to start with. Deputy Soulsby, you are going to reply to the debate at the end.

4010 **Deputy Soulsby:** Yes, sir. I have an appointment but I have to, well I do not have to, but if I have to rearrange everything for tomorrow mid-morning. So we can meet again tomorrow but if we can all finish by about 11 a.m. it would be great. I would prefer it if we could get on and finish it tonight.

4015 **The Bailiff:** Before I put the motion that we sit until 6.30 p.m. in the first instance and possibly beyond that depending on how people are feeling, can I just take a measure of who is intending to speak in general debate, just so that one gets that perception to start with. Thank you, Members who have stood in your places. I will put the motion to you, Members of the States, that for the time being we extend today's sitting until 6.30 p.m. Those in favour; those against?

4020 *Members voted Pour.*

**The Bailiff:** I will declare that carried.

**Government Work Plan –  
Stage 1 –  
Debate concluded –  
Propositions carried as amended**

**The Bailiff:** Deputy Queripel.

4025 **Deputy Queripel:** Sir, thank you.  
As we all know, Stage 1 of this Work Plan is a list of well-intended aspirations and the debate gives us the opportunity to put forward our ideas and opinions in the hope that some of them will be taken on board. I thought it was rather disingenuous, sir ... I shall wait until people have stopped walking past me, sir. I thought it was disingenuous of Deputy St Pier when he said the intentions listed in Proposition 1 were meaningless, because the alternative is merely to do nothing.

4030 In my opinion there is a huge benefit in laying out the direction of travel, even if that direction of travel does state the obvious. I thought that was rich coming from Deputy St Pier, seeing as he signed up to, instigated and championed at least two if not more directions of travel in previous Assemblies, one of those directions of travel being to improve the quality of life of Islanders. Well,



what is the alternative to that? It is either to do nothing to improve the quality of life for Islanders or to make the quality of life of Islands even worse.

The second direction of travel being to make Guernsey one of the healthiest and happiest jurisdictions in the world. Well, what is the alternative to that? Well, it is to make Guernsey one of the unhappiest and unhealthiest jurisdictions in the world. So if ever there were two supposedly meaningless directions of travel mission statements then surely those are the two. Yet Deputy St Pier signed up to them and championed both of them in previous Assemblies. Hence my saying I think it was rather disingenuous for him to say what he said.

Having said that, sir, I have got a lot of respect for Deputy St Pier. He and I get on very well and I am making these comments on a purely professional basis and I hope I am not coming across as personal because they are certainly not meant to be personal. I think I have been balanced and measured in all I have just said.

On that note, even though she is not in here –

**The Bailiff:** I am terribly sorry Deputy Queripel, but if Deputy Falla leaves the room then we will no longer be quorate.

**Deputy Queripel:** I will pay him to wait, sir, I will pay him to stop! *(Laughter)* I will pay him to sit back down. How much does he want?!

**The Bailiff:** Please continue.

**Deputy Queripel:** I am sure there were those who have paid to leave, as well.

**The Bailiff:** Continue please, Deputy Queripel.

**Deputy Queripel:** It must be something I said, sir. I was talking about being balanced and measured and on that note one of the most balanced and measured speeches I have ever heard in this Chamber, and I have heard thousands since I first started getting interested in local politics 25 years ago, was made by Deputy Bury yesterday when she made her opening speech on her amendment and I commend her for making such a well-balanced and measured speech.

She proved that a speech can be hard-hitting and have the desired impact without resorting to finger pointing, unfounded accusations or personal insults and we do hear those kind of extremely unprofessional speeches in this Chamber from time to time, unfortunately. So all credit to Deputy Bury for adopting that approach she adopted.

I sincerely hope that the speech I am about to make, the speech I am making here, is balanced, measured and professional. If it comes across as anything other than that then I apologise to my colleagues in advance. Because in my view it is absolutely vital that we go about our duties as Deputies in a statesman and stateswoman-like manner at all times.

Now I have several questions I want to ask about this Plan. Before I ask them I feel the need to say I am asking them because they seek answers to genuine concerns and are not meant as criticisms of any of my colleagues in any way.

I do want to comment, actually, since this is general debate, on Deputy Inder saying he is getting to the point of being past caring when it comes to education because in my view none of us should ever get to the point where we are past caring about an issue. **(A Member: Hear, hear.)** But where I do resonate with Deputy Inder is when we go round and round in circles and we get speeches saying the same thing over and over again. That is when I lose the will to live and that is why I will invoke Rule 26(1) on the basis that we are not hearing anything new. We have heard all the arguments for and we have heard all the arguments against. So, surely we could justifiably curtail debate?

I would remind colleagues I have said very little in this debate, even though there were things I wanted to say. The reason I have said very little is because colleagues said what I would have said

when they spoke. So there was no need to venture into the realms of tedious repetition and say the same thing over and again. I will leave that thought with my colleagues to consider and move on with my speech. Seeing as though I have hardly said anything in this debate up until now I do have several issues I want to comment on and several questions I wish to ask.

4090 Some of my colleagues might view it as regrettable that I am asking the questions I am about to ask but whatever the subject matter we are here to challenge and test, should we feel the need to do so, in the interest of the openness, honesty, transparency and accountability we all attest to aspire to and in asking such questions we at least attempt to provide the public, our fellow Islanders, with as much information as possible.

4095 As regard to Proposition 1 and our recovery from COVID-19, a lot of faith has been put in the vaccination programme, which is now seen as an integral part of our recovery, as we are told, in paragraph 5.7 on page 18. However, several Islanders have expressed their concerns about the vaccines recently and those concerns are allied to concerns being expressed by many doctors and scientists throughout the world. Those doctors and scientists have been supported by other leading health advisers who are also expressing concerns and question measures imposed by governments and the use of the vaccine in their countries.

4100 Now I appreciate, of course, that the benefits may outweigh the risks. I am not saying that the vaccine should not be made available to those people that want it. But there does need to be a full and frank discussion about the risks. Surely they should not be downplayed and dismissed, especially since there are scientists, doctors and leading health advisers all over the world who are expressing their concerns.

4105 I think it is important for me to remind colleagues, millions of people all over the world attended rallies last Saturday and they attended those rallies in protest about their governments' approach to recovery from COVID-19. So, to get to my questions about our recovery from COVID, in relation to Proposition 1, my first question focusses on the vaccine and its possible side effects. The question is this: do we know that in the long-term the COVID vaccines will not turn out to be the next asbestosis or thalidomide in years to come?

4110 I ask that question not only because of the potential suffering by the individual but also because of the cost to the public purse in years to come re a compensation scheme. More recently, to give another example, it was discovered that surgical mesh used in hernia operations has been causing so many problems for people who have had those operations there are now court cases going on as I speak all over the world and millions of pounds is now being paid out in compensation.

4115 Another recent example, to underpin my case, hundreds of women were forced to endure excruciating pain after having silicone breast implants when the silicone leaked, causing all sorts of problems and there are also now court cases going on all over the world, as a result of that, with millions of pounds being paid out in compensation. So I feel totally justified in asking these questions, sir, in relation to our recovery.

4120 My next question is this: are the CCA exclusively committed to vaccines to combat the virus on our road to recovery or are they monitoring research into other methods of combating the virus and I ask that because research from the Hiroshima University in Japan shows that the use of UV light kills 99% of COVID samples. Researchers from the Cleveland Health Clinic in America have discovered that the use of the hormone melatonin is a viable treatment and can also protect against the virus. They discovered a close link between the auto-immune and neurological disorders, as well as COVID reactions. They identified more than 30 drugs that could be successful therapies.

4125 Just one more crucial, vital example I would like to relay, sir. It came from the University of Cantabria in Spain, where research has shown 80% of COVID patients were deficient in Vitamin D. And doctors and scientists at the university believe that the vitamin could protect people from the virus.

4130 I think it is important to emphasise to colleagues that all this research has been undertaken by respected mainstream institutions and not by bogus organisations or cranks. Hence the reason I am asking these questions. My follow-up question to my previous question is this: are the CCA open to the idea of alternative treatments to vaccine being offered to Islanders?

Just to reiterate, bearing in mind that our recovery from COVID is based on our need to be immune from the virus and that some people would prefer an alternative to the vaccine, surely we need to remain open-minded to alternative treatments?

Of course, I very much appreciate that research into those alternative methods is at an early stage but, as we all know, the vaccines currently being used were developed in less than two years via a streamlined version of clinical trials. So in relation to all I have just said, I feel it is important to ask at this stage on our road to recovery from COVID-19 a question that focusses on potential discrimination and alienation.

It is this. How will fellow Islanders who choose not to be vaccinated be treated by Government, without venturing into the realms of discrimination? I ask that question because they will also want to play their part on the road to our recovery. So surely equality and inclusion need to be absolutely paramount right down the line, along with a person's right to choose?

I appreciate that the Chamber is almost half empty. I can only hope that colleagues are listening out in the Members' room, because we really do need to bear all of that in mind on our road to recovery. Of course, anyway, that is all underpinned by Article 14 of the Human Rights legislation, which surely cannot be dismissed when we are on our road to recovery.

I do fear, sir, possible discrimination and possible alienation and I need those concerns allayed, which is why I am asking these questions. Just to remind colleagues what is said in Article 14, it reads as follows:

The enjoyment of a right set forth in this convention shall be secured without discrimination on any ground, such as sex, race, colour, religion, language, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

So, the issues of discrimination and alienation are issues that really do need to be considered on our road to recovery because obviously there will be Islanders out in our community who, for whatever reason, allergy, health or whatever reason, will not be able to accommodate being vaccinated. So presumably a policy will need to be devised and introduced for them.

My next question relating to things we need to consider on our road to recovery is this: is there currently an extensive and long-term programme in place to monitor and assess the side-effects of the vaccine administered to Islanders?

**Deputy St Pier:** Sir, can I raise a point of order?

**The Bailiff:** Point of order, Deputy St Pier.

**Deputy St Pier:** Sir, I really just want to challenge the relevance of where Deputy Queripel is in his speech to the Government Work Plan and the Propositions before us.

**The Bailiff:** I think the difficulty, Deputy Queripel, is that whilst I have some sympathy with what Deputy St Pier raises, in that under Rule 17(6) debate must be relevant to the matter before a Meeting, given that what you are touching on broadly – *broadly*, I do stress that word – does touch on the Government Work Plan, because it is such a vast range of what is covered there, I am not going to accept that you are breaching that particular Rule if that is what Deputy St Pier had in mind. However, bearing in mind the time, if you can get to the point of what you are trying to make and where you are trying to encourage Members either to agree or disagree with the Propositions, when it comes to voting on them, then that would potentially be helpful.

**Deputy Queripel:** Sir, I thank you for your ruling. In my defence, bullet point one, Proposition 1, responding to the COVID pandemic. It is all centred around a vaccination programme. Hence my questions when perhaps Deputy St Pier obviously did not quite pick up on that but I am hopeful that he will pick up on it now.

I have said in my speech already, it says in the Report, the vaccination programme is an integral part of our recovery. I am talking about our recovery. I am talking about vaccinations. I saw no reason for that interjection, sir, no reason whatsoever. Thank you for your ruling, sir.

4190 I have just got to find where I was. Oh yes, I was asking whether or not there was a programme in place to monitor and assess the side effects of the vaccine and, following on from that, I was going to ask, if the answer is yes, can Deputy Soulsby tell me please who is undertaking that piece of work and will all the results be made public? If the answer is no, can Deputy Soulsby tell me if the programme is going to be put in place, please?

4195 As we all know, the devil is in the detail. We have heard that so many times. Which is why I am asking all of these questions in relation to our recovery from COVID. It is absolutely vital in my view we take an holistic approach to that recovery. My questions will not come as a surprise to Deputy Soulsby or Deputy Ferbrache. I emailed them both my questions on Tuesday in order to give them advanced notice.

4200 Proposition 4, which for the benefit of Islanders listening on the radio who may not have the benefit of a copy of the Billet in front of them reads as follows:

To direct all Committees of the States to recognise and give due consideration to the States' resource constraints by prioritising the progression of its agreed three priorities above other work streams (as set out in Proposition 1), and to agree that it may not be possible to progress all recovery actions during this term;

4205 Now as we all know, sir, States' resources are scarce but the irony is, of course, we cannot afford to be parsimonious. In my view, we need to invest as much as we possibly can to build a better future for ourselves. Of course the one thing we need to do is make much-needed savings by stopping spending money unnecessarily and wasting time with civil servants and time with this Assembly.

4210 With that in mind it concerns me greatly that we not only have one Plan but two Plans in play that seek to do the same thing. The intention being to make the Islands a better place to live and work, thereby building a better future for ourselves. We have this Plan in front of us today and we also have the Policy & Resource Plan.

I am wondering if the Policy & Resource Plan is now not somewhat surplus to requirements and that is the question I would ask Deputy Soulsby, does she think the Policy & Resource Plan, I know she has spoken about the plan in the past, does she think it is superfluous to requirements, seeing that it was compiled, of course, pre-COVID, when we were in a totally different world.

4215 I appreciate if I am missing a fundamental point there, sir, but it is a question I felt needed to be asked. Why do we have two plans in place that seek to do the same thing? Although I do appreciate there is a lot of good work gone on with the P&R Plan. Maybe that good work could be amalgamated with the Government Work Plan.

4220 Moving towards a close, I want to comment on the recovery outcomes in this Plan before us, many of which surely must be duplicated in the P&R Plan? I take great comfort from what I see in those recovery actions and their proposed and intended outcomes and I will do all I can to support every one of those aspirations. I am sure my colleagues will do the same.

4225 Because what we do not want is this to become a list of unattainable aspirations and those of us who were in previous Assemblies will have been on the sharp end of that scenario. In my almost nine years' experience as a Deputy has taught me that as much as you strive for an aspiration it is not always obtainable and there will be disappointment to deal with along the way. But of course that is no reason to stop trying to attain your aspirations.

4230 They are set out on page 17 of this Plan and repeated in greater detail on pages 34, 35 and 36. After nine years championing sport and the arts within the States and out in the community it pleases me greatly to see the headings of physical health is protected and mental health and wellbeing are protected and that local people will be supported to mend and improve their physical health and protect and improve their mental health and wellbeing.

Then, under the heading of 'cultivate our local arts, culture and heritage' we are told in the outcome statement, in other words the aspiration, local arts, culture and heritage will be protected

4235 and enabled to thrive, whilst ensuring that all residents have the opportunity to engage with such activities. I take great comfort from all of that.

That of which, as we all know, is the responsibility of the Committee *for* Education, Sport & Culture, but of course we must all be prepared to play our part. So with that in mind, Deputy Dudley-Owen is not in the Chamber at the moment but I offer my services to the Committee and say that  
4240 if there is anything I can do to help progress those aspirations, either in my capacity as the president of the Guernsey Walking Football Club, the facilitator of the Guernsey Poetry Group or as a musician with 45 years' experience of not only playing at hundreds of functions throughout the Island but also organising many of them, then please I ask the Committee not to hesitate to ask me. I would love to help.

4245 Sport and the arts are good for our physical and mental health in general wellbeing. They generate the feelgood factor and they underpin the very social fabric of our community. They build confidence and self-worth in people and because of that it has been proven that they aid the healing process. They bring colour and fulfilment into our lives and by doing all of that they enrich our lives. Sir, in closing I cannot think of a better way for us to build back better than by rebuilding the spirit  
4250 of the people out in our community and putting the smiles back on their faces.

Thank you, sir.

**The Bailiff:** Deputy St Pier.

4255 **Deputy St Pier:** Thank you very much sir.

Fortunately, Deputy Queripel has asked all the questions I was going to ask about vaccination (*Laughter*) so I will not run through those. I am conscious also that as an avid reader of my column Deputy Ferbrache will have picked up some of the points I was going to make in relation to the Government Work Plan, although I am conscious that some other Members may not have had the  
4260 benefit of that, so I will make a few points which may seem familiar to Deputy Ferbrache, if not to everybody else.

Rattling through as quickly as I can in relation to the Propositions, I think in Proposition 1 there is no theme that drives the determination of the list of priorities, such as smaller Government, for because we now have right-sizing, deregulation, economic stimulation or responding to climate  
4265 change. That I think is what I was hoping and expecting for in terms of an overriding theme that was driving us.

Stripping out Proposition 1 down to its core, if we park COVID and Brexit as things that have to be responded to, what we really have is Proposition 1 tells us that the main priority of Government at this time is to action an action list, which makes Deputy Ferbrache smile because that is definitely  
4270 what we want to be doing. Of course we now have right-sizing.

Proposition 2 is of course all about agreeing the recovery outcomes in Appendix 2, from page 34 onwards – 16 outcome titles and 26 outcome statements. I think the outcome titles, I am conscious of Deputy Queripel's comments in relation to previous plans, do contain some pretty generic titles which are effectively meaningless in guiding us, such as healthier lifestyles and a more  
4275 cohesive and equal society or needs are met and people are safe and secure. There is clearly nothing to disagree with there.

The outcomes do not help a great deal either. There are a lot of buzz words. Against 'needs are met', we are told that proportional support will be delivered. What does proportional mean in this context? Against 'physical health is protected' we have something called intelligent services. Of  
4280 course, against 'inclusive' we have 'inclusive and sustainable growth' without really attempting to define, either, what we mean by inclusive or sustainable.

And absent some of those buzz words we have some admirable but I think unrealistic outcome statements aimed at all. So opportunities for further education are available to all. That is a fantastic ambition and I think will be particularly good news for care leavers who are often forgotten and a  
4285 left behind group when it comes to educational opportunities. But making those opportunities

available to all includes the removal of many social and financial barriers and it should be done. Absolutely.

But Members signing up to this must know that it will mean bigger, not smaller Government. Similarly, we are going to ensure that all residents have the opportunity to engage with local arts, culture and heritage, that Deputy Queripel referred to and perhaps most complex and expensive of all will be ensuring all people have access to the necessary support to achieve positive results in participation, life satisfaction and self-esteem indicators on our journey to become a more cohesive and equal society.

Turning to Proposition 3 and the list in Appendix 6 on page 144, those emerging strategic recovery actions. If they are all completed one will lead to more regulation with the health and care sector, six will not deliver anything – and this will be starting to raise Deputy Ferbrache's blood pressure – other than more strategies; four will deliver more plans; one will deliver a framework, namely the justice framework being led by Deputy Prow; and six will involve, dare I say it, more reviews.

So, in short, 18 of the 46 actions will not deliver changes in policy or services without more decisions, actions and resources at a later date. I say all of this not at all to pour cold water on it because I disagree with it, because I do not, but because there is no point in being, as the late great former Deputy Roger Perrot would say, Pollyanna-ish about this Plan. The States must be realistic in the community's expectation management of what is achievable in four years of this Plan.

I just want to pick up and comment on a couple of the actions. On page 147, the Combined Substance Use Strategy is mentioned. This is now overdue and in responding I would welcome any indication of expectations on when it might appear before us, if any other Member is able to comment on that.

Given the interaction between substance use and so many other policy areas: mental health, education, criminal justice, of course, to name a few, this strategy is a cornerstone of so many other strategies, policies and services it does need to come to the Assembly sooner rather than later. On the same page a review of mental health is also referenced and it has become clear to me in a way that frankly it was not before the General Election, that all is not entirely well in the state of Denmark when it comes to our mental health provision. It is more than just developing a wellbeing centre, referenced in the action description. I suspect a root and branch review is what is needed before it can be decided what needs to change for the future and I would welcome hearing any contributions in debate from Members on that.

On page 159 the review of end-of-life care is referenced. This I believe should have been completed by the end of last term if the pandemic had not intervened. Ensuring good palliative care, or certainly palliative care that is as good as it can be for a community of our size is essential and a pre-requisite for individuals, families and the community considering the development of other end-of-life options. In short, the community has been promised this review of end-of-life care and it must, in my view sir, be delivered.

Proposition 4, the Plan's priorities will trump other work streams is a great statement of intent but I think given the Assembly's decision, which I predicted when I scripted this a few days before, to action Economic Development's policy letter on first fish, it must be accepted that Committees and the States will continue to prioritise other work – Deputy Brouard is smiling, he has been here before – from time to time as they see fit.

Propositions 5, 6 and 7 are what they are. Proposition 9 I think is worthy of note and dare I say it again the devil is in the detail at Stage 2. The proposal is to tinker with the Rules:

... to give the Policy & Resources Committee a stronger foundation on which to discharge its mandate.

That is all we are told about it at this stage and frankly I would have loved this. Be under no illusions, this is a code for Policy & Resources taking more power vis-à-vis other Committees to ensure that the Committees or parliamentary processes cannot cut across the Government Work Plan. I think it makes perfect sense from the Policy & Resources Committee's perspective but it will

require others to accept that it is to become the senior Committee in more than name only and will be able to cut them off at the knees when it deems that it needs to in order to deliver the Plan. Deputy Ferbrache is frowning but I suspect he would welcome it when he can.

Turning to the content of the policy letter very briefly, I just want to highlight a few key areas. First in relation to capital expenditure, Deputy Helyar's area. I draw Members' attention to paragraphs 2.8 and 2.9, the reference to the capital portfolio being over-subscribed, in paragraph 2.8 is only by reference to the way the States funds capital projects out of reserves. If the States starts borrowing, as the policy letter hints at in paragraph 2.9, the constraint will not be on funding but on the other resources to manage projects.

The reference in 2.9 to infrastructure schemes needing to generate economic or social return would be a significant departure from extant policies and Resolutions requiring fresh authority from the States, which currently only permits borrowing if it can generate not even an economic return, if only it can generate a financial return, capable of paying the debt and the interest on the debt. So, I think for all of those in this Assembly and elsewhere who are concerned about borrowing this is one area for you to watch.

Finally the reference in paragraph 2.11 to a 'more realistic target growth rate, maybe 1% *per annum*' seemed to be lacking any real ambition, to me and that was just an observation.

Thank you, sir.

**The Bailiff:** Deputy Roffey.

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

The trouble with these debates is you could range over every subject under the sun. I do not intend to do that. I realise it is nearly six o'clock. I will keep myself to two subjects. One issue, which is surprisingly absent from this whole plan and I feel ought to be there, another one, which is in there, and I want to explain the scope of the task I think facing this Assembly.

The one that I find slightly surprising for being absent is one that Jersey has been grappling with, actually, over recent days, and that is what is this Assembly's population policy? I know there is reference to looking at the way the Population Law is administered but that is somewhat different. What I am talking about is does this Assembly want to see our population grow or do we not? I am not expecting an answer today, sir, but I think we need one fairly soon, because there is such a fundamental impact on so many other policies and on our planning process. I genuinely have no idea what the settled opinion of this Assembly is on the matter or indeed even if they have one.

This is not an academic debate. We need to know in order to plan effectively and this is a plan without that policy included. I have heard references from some Members of encouraging useful immigration to stimulate economic activity and to help with the demographic challenges that Guernsey faces. But those comments are just individual Deputies' opinions. They may or may not represent the mainstream opinion.

By contrast, I take the totally opposite view. I think Guernsey is already over-populated and over-developed, and that is impacting adversely on our quality of life. I am also convinced that trying to solve the problems of our community's changing age profile, simply through significant useful migration, is voodoo demographics. It does nothing but kick the problem down the road and put Guernsey on a population escalator.

Life expectancy has gone up in all developed countries. Fertility rates have gone down and the age profile of those developed countries has changed for good. Well, in an enduring way, I mean. Whether it is for good or not is a matter of opinion. It is the new normal and we have to adapt and if not now, then when? Yet that sort of issue is not really tackled in this Plan.

Why do we need to know whether my view is the majority or as per usual I am fighting a very isolated and lonely battle on this matter? Not just for my personal satisfaction because it is a core feature for our planning. Let me just take a couple of examples from the mandate of ESS. Members will be well aware that our Social Security funds are currently unsustainable and are on a glide-path to depletion. If we do nothing they will indeed run dry in the not-too-too-distant future.

Now that data, those forecasts, have been provided by an impeccable source, the UK Government Actuary. But of course those predictions were based on a set of assumptions and some of those key assumptions were population growth, net migration, the number of contributors that the scheme is going to have in future. There is no denying, sir, that a lot more workers would ease the sustainability issue at least for the next decade or two.

On the other side of the equation, we have the part of the ESS mandate which relates to social housing. Now we already have a very significant housing problem in Guernsey and I will return to that in a moment. But the simple fact is that most housing related problems come down to the equation of supply and demand.

So what ESS already knows and E&I, because of their broader housing mandate, mean that we need to increase supply quite significantly just to meet current levels of pent-up demand. But why do we need to know the States' population policy and its appetite for growing our community is that if they wish to do that, to any significant degree then clearly we need to factor that in. We need to plan for even more housing. ESS need to know that. E&I need to do that. The DPA need to know that. As an Assembly, certainly when we are discussing in May our school plans the number of children we have in the Island will have an impact on the capacity that we are going to need to provide.

As an Assembly we badly need to decide where we want to go on population. So, I would ask P&R to make sure that at some stage in the not-too-distant future we actually have some kind of focussed debate on that. Even if I end up on the losing side, at least with my Presidential hats on in other areas, I can plan for what is the settled view of this Assembly. At the moment I just do not know.

Okay, having given that an outing there is one more issue that I want to highlight today and I flagged up earlier. That is housing. Firstly let me say, through you sir, to the President of P&R, that I am really pleased that it has been recognised as a real priority within this Plan, and to the Vice-President who is going to be summing up, obviously.

I said a while ago in my speech that Guernsey already has a significant housing problem. I am going to go further than that. I think Guernsey has a burgeoning housing crisis at the moment and I do not use that word for effect. I genuinely mean it. One of the few advantages of having been around politics for 40 years is that you can recognise repeating patterns.

I remember well how back in the 1980s housing was a huge political issue. Hardly a week went by without the *Guernsey Press* featuring some human interest story of people forced to sleep in their cars because they had nowhere else to go. Now we are not at that stage yet but all of the warning signs are there. Guernsey's housing market is tighter than it has been for decades. Waiting lists are climbing. I can tell Members my phone is red hot with housing cases.

Now of course I cannot really materially help anybody because if I help those that contacted me, although I will always investigate their situation, I am just giving them preferential treatment compared with those who do not. But it is a warning sign. It is a canary in the mine. It is a sign of how many desperate people there are out there.

But if housing issues are already being prioritised in here then what is my beef? Why am I saying this? Firstly, because I do not think middle Guernsey, Guernsey that is comfortably housed, realises the crisis that we are walking into at the moment and I think this is the sort of debate where it ought to be highlighted.

And I think I need to put P&R on notice that we will need resources to tackle that problem. Resources in two ways. Tens of millions, probably, in terms of capital commitments over this political term to get housing built. But also the right human resources, sufficient and the right skills of human resources in order to plan our response to that situation. Otherwise we will not get the maximum bang for our buck.

I do not know if all States' Members are aware, particularly the newer ones, but the States has demanded, quite rightly, a comprehensive report from ESS and E&I, which will lead to a new housing strategy for the Island. That work is many stranded and currently is under-resourced, in my view, in human capital.



4440 Now I know our P&R President does not really like reports or strategies too much and prefers to just do stuff. I like doing stuff too. But in this case planning and prioritisation are also going to be critical if we are not going to go off half-cocked if we are not going to be unfocussed. That does not mean we are not doing stuff at the same time, indeed we cannot afford to wait. We need to crack on. But without a proper strategy it will end up being scattergun and wasteful.

4445 Let me just briefly highlight just a few strands of that work that is going on to produce a new States' housing strategy, in no particular order. Emergency housing provision: should we maintain a stock of emergency housing? We do not in Guernsey at the moment. The private sector do and maybe that is the right way to provide it but it needs to be examined. The only States' provision at the moment is St Julian's Hostel. Is St Julian's Hostel really fit for purpose in the 21st Century? I am not convinced that it is. And what about housing for discharged prisoners?

4450 It is not easy actually. The real dilemma about emergency housing is in order to have housing available when a real emergency occurs and somebody genuinely is homeless, you have to keep housing empty. Keeping it vacant when you have got people in very substandard housing demanding, 'Why can't I have that unit?' is quite tricky. But if you do not do that then, when a genuine emergency arises, you have nothing.

4455 Partial ownership is another strand to that strategy. It has been a great success but the question now is how can we upscale it at speed because it really has been a success? Market intervention. We hear so many different views from States' Members on market intervention and it really is a tricky one. Should the States run a sort of help to buy scheme or would that just serve to inflate the market further?

4460 The conundrum being that every Guernsey family demands that their son or daughter should be able to afford to buy a home of their own but of course none of the cost of their parents' properties going down in value. It really is Gordian Knot.

4465 Now we have also commissioned a general review of the work of the GHA and as part of that review we are looking very closely, or they are the reviewers, at the pros and cons of a possible stock transfer of States' housing to the GHA, something we have always been determined to do but without prejudging its outcome.

4470 Of course, there are some obvious pros. Like the injection of hundreds of millions of pounds into States' Reserves, reducing borrowing requirements for our capital programme. And some obvious cons. The loss of millions of pounds of rental income to General Revenue every year. But in many ways I am less interested in the finances – I am interested in the finances but I am less interested in that than whether or not that idea of a stock transfer will be good or not for the future provision of adequate social housing in Guernsey.

4475 Then we need to consider how many more units of social housing we need to build and the mix of property size, with all the indications at the moment being that we need a real focus, heavy focus, on one-bedroom units. There is a longer term issue here, I think, we talk about long-term planning today. Our community is changing. The percentage of home ownership is going down. The percentage of rental tenures is going up.

4480 But I know that another of my responsibilities, for Income Support, that when people are elderly and home-owners, they tend to have to revert to Income Support far less than people who are in rental properties so I think we are storing up – I will be long gone, in fact probably even the younger Members of this Assembly, some of them will be gone – but we are storing up problems for the future, I think, with the fact that there will be more welfare dependency because of lower home ownership.

4485 So I really hope and I accept that P&R do share my view that housing really has to be a priority. Is this youth housing, key worker housing, elderly tenures? I could go on. Of course some of this work can be outsourced. Some of the work on planning for it can be outsourced, but we need to co-ordinate it from the centre and from the States. So I do say to P&R I will be looking not only for the money to build houses but also for the skills and the ability to co-ordinate that programme, because I think that is going to be crucial.

4490

**The Bailiff:** Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** Thank you, sir.

4495 I have a few positive things to say and I am very encouraged by the Government Work Plan and I think we have a real opportunity. One of the opportunities is the synergies between different departments, different goals of what we are trying to achieve and we had a presentation from Breaking Barriers a few weeks ago, that came out from the work of the Health Department. It was really great in showing how what some Committees are trying to solve can be really merged with  
4500 what other Committees can offer.

I would like us to think of a way how we can really accelerate that synergistic thinking. We are doing a bit of that through cross-Committee initiatives like Skills Guernsey, Digital Guernsey and many others but I just think let us think how we can do it, really let us have a step change in how we can build synergies.

4505 Synergies is a lot about doing things differently, innovation, and doing things more holistically. I think this is where my second point about the importance of digital comes here and I wanted to draw the Assembly's attention to Estonia, which 25 years ago had embarked on a very clear strategy of transformation and digitisation of Government and public services and that really drove the whole transformation of the way the Government really operates, the way it provides all of its  
4510 services and the way it is very much an information society.

So I think some fantastic progress has been done so far in terms of creating a Digital Framework in 2017, linking various initiatives in Government. But I do think we have begun to have a step change in here. Because we should be a Government which is digital by design. We have successfully embraced Microsoft Teams last year and we have moved to Microsoft Office 365, some of us, this  
4515 year.

But some of these developments, this is not leading development, this is kind of 5-10 years out of date and so I think really bringing a digital capability into Government across all of our Committees, all of our action areas, especially in terms of that transformation of all public services so they could be as far as possible digital first is absolutely critical.

4520 So, bringing forward a wider digital strategy and framework will be something very important, I think, for our Assembly, and something we will be bringing and I would very much like to work with all of our colleagues so that digital has political oversight from all Committees and so all Committees understand the importance of it but build also internal capability of doing so.

Where I have slight concerns that I would like to raise, I think it has been really great to accelerate the way we work and develop this Plan but it does come at a cost that perhaps we cannot engage as much with the community and the right stakeholder groups and the wider public and the mission, obviously, of our Assembly and the Government Work Plan is very high. We are potentially going to be spending hundreds of millions of pounds' worth of investment into all sorts of areas, which will be unprecedented by any measure and perhaps a once in a generational opportunity to invest  
4530 such large sums of money.

We must be absolutely sure we are investing such huge sums into really solving the real issues affecting real Islanders on a daily basis and so things like inequality, poverty, housing we talked about. Also making sure we do absolutely take a long-term perspective in terms of addressing, mitigating issues with climate change as well. Because, again, if we are to invest £500 million this  
4535 term, we are not going to have an opportunity to do so again at the next term.

So I would like to seek, perhaps some assurance or ideas from colleagues in P&R of how we could embrace engagement with the community and the public, even perhaps in the next phase. It is a short phase but I think it is upon us to ensure we are not designing the next phase in an echo chamber of political and Civil Service. I think it would remain, obviously, equally important to keep  
4540 that engagement with the public and really hearing their views and perspective during the duration of the term.

I think within that it is really encouraging to see that UN Sustainable Development Goals have actually been used, I guess likely as a framework, and this is something I proposed to the previous

Assembly through my sustainability projects but I think it is easy to pay lip service to it and use it at a very high level of those 17 goals. Actually beneath those 17 goals there are some very specific other targets and measurements that define progress in those goals.

So I think if we are to use this framework properly we should really undertake some work to see how the second layers of those goals apply. I think what is very important with those goals and talking about those synergies and solving problems holistically, it is probably the best framework out there that has been designed by and adopted by all nations of the United Nations around the world that does very much show how inter-linked all the issues we are talking about are.

So it is not about one side just doing economy and climate change and social, it is all completely inter-connected. So I think I would like us to see and make better use of the frameworks like UN Sustainable Development Goals, OECD Better Life indicators because they are very good frameworks. They are proven frameworks. That is what others are using so we can actually benchmark what we are doing. Obviously, I will be supporting the policy and would like us to think about those areas of how we can really work together.

Thank you.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Hard to resist just speaking for a minute. I very much appreciated what Deputy Roffey said, agree with him entirely about housing, and also for the need for a population policy, even though we might have different views about maybe some aspects of that, I suspect. To me, we really do need a Plan that focusses on the big questions.

I have already, earlier this Meeting, or this session rather, spoken about the Transport Licensing Authority and therefore I am more guarded in what I say in relation to air transport. I do think though we have conversations about what we want from airlines and air connectivity but also I will talk about sea connectivity and if we want greater links with Europe and this applies to air and sea because our mandate does not cover air to Europe, the decision to be made is do we go for unregulated competition or tendering routes or more of a piecemeal approach requiring, let us face it, subsidies, and we bite the bullet and say maybe a subsidy or Government grant or loan is needed to improve our connectivity and that perhaps includes passenger and freight ferries from Guernsey to the UK and Europe.

So I think that is a big issue that we need to really focus upon. I think a conversation ... I welcome very much Deputy Helyar's approach whereby he says a lot in a short time and does not charge for the minute, you could say, but what we do need is a conversation about taxation. I know work is going on but I suspect that if we are to maintain or even enhance our infrastructure and services, we will either need to restructure our Social Insurance system and/or have some form of a consumption or sales tax and/or outsource more work with the private sector and do all sorts of things, some of which will be big ticket items, because I personally believe that we actually need to do not one but two things at the same time.

The first thing is that we have been extremely well-managed in that we have had generally a good standard of life and services on less than 25% GDP but I suspect that will need to go upwards. We are a better bargain than the Isle of Man or Jersey but I think that is part of the conversation. But of course what you do not want to see is more and more money taken from hard-working people and mispent, especially if your economy is shrinking.

So, with any form of expansion of services and development, we also need to actually, where appropriate, expand our economy and that means taking on board some aspects of deregulation, maybe actually getting to grips with some aspects of the Strategic Land Use Plan and the development process and exemptions and the state being more proactive with some forms of development and other forms of conservation and maybe even a national park or the equivalent for Guernsey. So, I think we need a lot of big projects and not just an emphasis on process and Treasury administration.

**The Bailiff:** Deputy Trott – because Deputy Soulsby is not here at the moment.

**Deputy Trott:** Yes indeed and that is the primary reason for standing, sir! (*Laughter*) I have no need to say what I was going to say, sir. Thank you.

**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Deputy Trott has missed his opportunity and he might live to regret that!

**Deputy Trott:** I will be very brief and I do not want this to sound facetious or in any way sarcastic because I have done the key jobs in Government. I know how challenging it is. Admittedly when I was Chief Minister I had the benefit of youth on my side, being the youngest we have had so far. But it was hard work; it is hard work. I only mention that because Deputy Ferbrache is fixated in telling us that he is in his seventies and I think he looks very youthful.

But there is something in this States' Report that I do think needs challenging, which could sound facetious. It is the issue to do with there is a window of opportunity for the States to invest in the economy to support its recovery, enhance its infrastructure and ensure longer term sustainability and resilience.

Now there is no definition of what that window of opportunity is, so I ask, have we missed it? Is it yet to come? Will it last the duration of this term? Will it last the duration of this term and longer? But it is fairly significant because it is a bold thing to say and of course it is very closely aligned with action this day, so I would like a definition as to what that means.

Two other points. Deputy Roffey talked about the Guernsey Housing Association and maybe we could cede the remaining social housing into their care. It is of course how they started. We pumped them with some States' assets back in the day, Deputy Roffey's efforts were admirable in getting that going, and we also, of course, underwrote their debt and by doing that they were able to borrow from the banks and accelerate their investment programme.

Debt. One of the incredible issues that we face today is, with the UK now having over two trillion pounds' worth of outstanding debt and record borrowing requirements, one of two things can happen now, over the course of the duration of this parliament and beyond. Either the Bank of England, through monetary policy, will have to keep interest rates as low as they possibly can to ensure that the United Kingdom can satisfy its interest repayments, or – and I do not think they will do this but they may – they will allow inflation out the bag or ensure an environment where the debt is inflated away.

Either way, it is the best possible time right now to borrow. Because the environment is unique. So the opportunity is there although one of the very first actions of this Policy & Resources Committee was to ignore the direction of the previous States, which was to investigate a retail bond. Now one of the reasons we wanted that to happen was because there was a real window of opportunity. The community was very eager to show its willingness to participate in that Recovery Strategy.

So, if it came across as facetious, it was not intended to be. But I think there is every justification for asking what is meant by there is a window of opportunity, particularly against the backdrop, as I say, of action this day?

Thank you, sir.

**The Bailiff:** Deputy de Sausmarez.

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

This is the moment where it tends to go all horribly wrong. Right, that does not bode well. The time being what it is, I am going to dispense with some of the more general comments I might have

made. I am not sure how much it will help, we will see. It might trim down a minute or so. And I am going to stick to one real theme and I do not think there will be any surprises what that is.

4650 But I am going to start by talking about an article I was reading recently about risk management and this article started by describing a conversation between an adult and a child in a car and the child was reluctant to put on its seatbelt because they were only travelling a short distance, it was a very familiar journey and they have never had an accident before.

4655 So the writer then segued into asking the question that nothing bad has happened before and the conclusion that nothing bad will happen now exclusive to children? But the author concluded no. Complacency has been the root cause of decisions that have led to most if not all environmental, social and economic disasters known in history. The cause of the bankruptcy of banking giant Lehman Brothers and resulting international financial crisis was caused in part by a flawed belief that the *status quo* would continue and the housing market would never decline.

4660 The root cause of the fatal explosion at Deepwater Horizon and subsequent colossal spill in the Gulf of Mexico was found to be a culture of complacency, due to recurring themes of missed warning signals, failure to acknowledge or gather information and a general lack of appreciation for the risks involved. Travelling further back in time there was a deep-seated complacency in King Phillip II's misplaced confidence in the ability of his Armada to defeat the British Navy.

4665 Present day, the complacency was felt by the rest of the world as the events of COVID started to unfold in China. How many of us thought, it is happening on the other side of the world but it cannot possibly affect us, let alone here in Guernsey?

Mark Carney talked about complacency in his excellent series of Reith Lectures a few months ago and here is a section that particularly resonated with me.

Thus far, efforts to address climate change have struggled between urgency and complacency. The urgency of carbon budgets that could be consumed within a decade and the complacency of continuing to add new committed carbon in our new cars, homes, machines and power plants. The urgency of the looming sixth mass extinction, the complacency of not valuing the loss of individual species and the destruction of entire habitats. The urgency to reorient the financial system for the massive investment needed to create a sustainable economy, yet the complacency of many in finance, not knowing their own carbon budgets were having plans to achieve net zero. These tensions reflect the common challenges of value that we've seen in previous lectures, namely human frailties, market failures, and the flattening of values.

Human frailties create a tragedy of the horizon. That means the catastrophic impacts of climate change will fall largely on future generations. The current generation with our horizon fixated on the current news, business and political cycles, has few direct incentives to solve the issue, even though the sooner we act, the less costly it will be; for an issue that can only be solved in the present, we have to value the future. Market failures create the tragedy of the commons, and this arises when individuals acting in their own self-interest, undermine the common good by depleting a shared resource. Examples include the deprivation of common grazing lands in 19th century England, the decimation of the Grand Banks Fishery off Canada in the early 1980's and 90's, and the ongoing deforestation of the Amazon.

4670 Great, I thought I would get the fishery bit in there as it is kind of relevant. At least climate change is now a widely acknowledged problem even if we have not yet conquered the complacency issue in terms of proactively addressing it. But nature loss is very much the poor relation in public recognition, even though in terms of impact it has the potential to be even more devastating.

4675 So what do we think when we hear facts such as this? A 2020 HM Treasury Report stating that nature is declining faster than at any time in human history, with a 60% decline in wildlife populations over the last 40 years alone and current extinction rates at 100-1,000 times higher than average over the past several million years.

Or a 2020 report by PWC entitled *Nature Risk Rising*, which concludes that:

4680 Damage to nature from economic activity can no longer be considered an externality and that the risk of nature loss is both material to all business sectors and is an urgent and non-linear risk to our collective future economic security.

Or the 2021 HM Treasury Report declaring that nature is a 'blind spot in economics' and we can no longer afford for it to be absent from accounting systems that dictate national finances or ignored by economic decision-makers.

Or the 2021 World Economic Forum's Risk Report, which shows that despite COVID, environmental risks are set to dominate the top 10 risks to the global economy in both likelihood and significance over the next 10 years. With human-generated environmental damage included in the clear and present dangers, short-term risks and biodiversity loss in the long-term, which is 5-10 years' risks, does complacency kick in?

Do we find ourselves thinking, oh it is okay, it might be happening on the other side of the world or in these bigger jurisdictions, but it cannot possibly affect us, not here in Guernsey? Or do we hear such facts and ask ourselves what is the state of our natural environment? Are our existing legislation and policy provisions enough to manage this level of risk to our natural environment and therefore the economy? What actions are included in the Government Work Plan to ensure that it can deliver its sustainability and nurturing nature aspirations?

So, I hear you ask in my imagination, what is the state of our natural environment? Well, I will tell you. Island-wide habitat surveys carried out every 10 years since 1999 have measured a dramatic decline in natural and semi-natural habitats and an exponential increase in human-made habitats. This includes a 90% decline in semi-improved dry grassland and the complete loss of unapproved dry grassland in just 20 years.

This high-level habitat data is likely to just be the tip of the iceberg. What little data we have on species is painting an even more worrying picture. I will take just two charismatic wading bird species as an example. We are fortunate that La Société has carried wader counts since 1979. These counts measured a 92% decline in Turnstone and a 94% decline in Dunlin, species which used to be a familiar sight on our shoreline.

A recent local test of the European and UK Farmland Bird Index, a tool to monitor the health and populations of birds associated with farmland, found that, of the 19 species used in the index, nine of them have already been lost as breeding species in Guernsey. If this decline is representative of all of our species, and it is likely that it is, are we being complacent in thinking that nature is fine, we do not need to worry about it during this Government term, we have got loads more important priorities?

And I hear you all ask again, are our environmental policy and plans enough to manage the increasing risk to our natural environment and therefore the economy? We have a well-established and functioning network of sites of special significance, ABIs, and supporting policy provisions within the IDP. Our planning system works well to avoid the most severe impacts on nature within these SSSs and ABIs.

In terms of larger scale environmental risk, we have a fully functioning Environmental Impact Assessment Ordinance, and Food and Environmental Protection Act, to assess and control the environmental impact of EIA developments. And at a strategic level we have provisions within the EIA Ordinance which require any EIA of plans or local planning briefs that are likely to lead to development-specific environmental effects.

So at first impression, it could be fair to say that our environmental provisions are enough to manage the increasing risk to our natural environment and therefore the economy. But why, then, are we experiencing such a significant rate of habitat and species loss? A threats and mitigation report carried out to inform the implementation of the 2015 Biodiversity Strategy and the subsequent 2020 Strategy for Nature, identifies some potential root causes, which include the following.

A gap in the planning framework, which means there is no provision to take into consideration the gradual erosion of lower value yet vital habitats when processing individual planning applications. Applications which do not trigger the threshold for an EIA or warrant controls as the development falls outside of an SSS or ABI, cumulatively, however every plot of green field space, agricultural land, domestic curtilage, grass bank and hedgerow, makes up part of the invisible yet vital ecological network of our Island.

To use an analogy, it is easy to argue that cutting down a single tree will not make a significant difference to a forest but there comes a point where a tipping point is reached and we chop down

4735 so many trees that the integrity and substance and functionality of the forest is lost. I am pretty sure there is a Dr Seuss story about that actually.

In 2019, the UK planning system was changed to require no net loss of biodiversity in all planning applications for this very reason, which prior to this legally mandated change, had been found to be causing what was cited as an 'unmitigated loss of nature and habitat fragmentation' and therefore loss of resilience to stresses such as climate change.

4740 Another gap is the lack of provision to evaluate the habitat connectivity value, or natural capital value of the site, when processing individual planning applications. So there is no means to evaluate the importance of a particular site as a wildlife corridor or a natural carbon store or a vital water filtration site, to name but a few ecosystem services, as they are known, as part of the planning process.

4745 There is also a gap in our EIA process, which relies upon available information on the rarity or importance of species and habitats, to assess potential impacts. As one of the only jurisdictions within the western world not to have a wildlife law yet, and in the absence of a Government-funded ecological monitoring system, it could very easily be perceived from available evidence that Guernsey does not have any species or habitats outside of SSSIs or ABIs that are rare or important enough to warrant legal protection or any other kind of protection for that matter.

4750 So this creates the very real risk that a development, which would be assessed as having a major ecological impact, if it were in the UK or Europe, would only warrant in the minor or negligible rating in Guernsey. Or put more simply, a lack of wildlife law and data can be the difference between the development being granted planning permission or not and the difference between significant and major loss of rare and/or important species in habitats. This is something I very much hope we will address.

4760 At a strategic level, the EIA Ordinance addresses high-level developments' specific effects, but there is no provision to systematically evaluate the environmental effects of a proposed policy or programme, alongside economic and social considerations, even though such a process, which is called a strategic environmental assessment, has been standard practice and legally mandated in the UK and Europe for around 20 years.

I apologise to everyone who has heard this before.

I give way to Deputy Taylor.

4765 **Deputy Taylor:** Sir, I am grateful to Deputy de Sausmarez for giving way and I feel terrible for saying this, but reading the room, I feel her words are being wasted and she is saying some very important things and I do not think they should be going unheard. So could I ask her to maybe consider, we are going to be adjourning until tomorrow, it might be better saving them, or giving way. But I kind of feel it is falling on deaf ears at the moment.

4770 **Deputy de Sausmarez:** Deputy Taylor will know that the procedure of the States means that I cannot resume this speech. I am explaining this because I very much hope that even though Deputy Taylor might think this is all terribly obvious, I am not convinced everyone does and I would like an opportunity to put it on record.

4775 So given the snapshot of environmental policy and legislation in Guernsey, are we confident that our existing environmental policy and provisions are adequate to manage the environmental risk we may face over our Government term, because this policy letter is dealing very specifically with that.

4780 So, back to this policy letter very specifically, what actions are included to ensure it can deliver and balance the economic recovery with the need to protect and ensure the resilience of our natural environment? In a recent consultation on this policy letter that we are currently debating, key stakeholders acknowledged that there was no doubt that the Government Work Plan included a lot of positive intent in relation to the number of references to a sustainable economy, nurturing nature and acknowledging the critical inter-connections between economic recovery and environmental sustainability.

But they also pointed out that whilst the Government Work Plan talked about applying a virtuous circle and that is something that Deputy Soulsby referred to in her opening speech, in fact it appears to be describing an action prioritisation process focussed on a short-term economic growth model with a holding pattern on environmental and social policy until the economy has deemed to have stabilised enough through linear growth.

Adopting this approach could expose the States to some risk. At one end of the scale, that risk could be reputation, in the form of accusations of green wash, which would do nothing for our green finance sector, of course. At the worst end of the scale, we run the risk of pinning our recovery on an economic growth model, which, because it does specify the type of economic growth, is actually more likely to cause a vicious circle of environmental and ecosystem degradation and, with it, a delayed risk and associated cost burden.

This burden is the very tragedy of the horizons that Mark Carney described, falling disproportionately and very unfairly on future generations. Anyone with children or grandchildren will know the magnitude of that responsibility because we have to look those future generations in the whites of the eyes every day.

So, it was really reassuring to hear that P&R confirmed in that workshop that that was indeed not the case but I would like Deputy Soulsby, when she replies to debate, to confirm that P&R will proactively resist the allure of short-termism and work to prevent this tragedy of the horizons playing out.

So with this confirmation in hand, E&I is confident that with some tightening up of the wording, within the next iteration of the policy letter, and a front-loading of the Green Infrastructure Plan and Marine Economic Support Plan, which are effectively the sustainable economy enabler actions for the whole GWP, then it could deliver the sustainable economy, the nurturing nature and the acknowledging the critical inter-connections between economic recovery and environmental sustainability aspirations of the Plan.

So, the Green Infrastructure Plan, just a quick word on why it is so pivotal and this is a really important point. I think the Marine Economic Support Plan is a different kettle of fish. I think that people in Economic Development and all the rest of it have a much greater understanding of why that is important but I do not think a Green Infrastructure Plan is nearly so well understood.

So the Green Infrastructure Plan action delivers multiple benefits to the environment, the economy and our community in the following ways.

By providing the tools to enable our invisible ecological network to be visible and preserved during spatial and detailed planning. By ensuring that development on land use applications can be balanced against the natural capital value, as specific sites provide.

By providing the tools to plan and promote innovation and diversification in green building design and sustainable transport initiatives, which could be used during development, design and planning to control wildlife corridor fragmentation and at the same time deliver wellbeing and social cohesion benefits and economic diversification.

By providing the means to join the dots on existing policies on climate change, nature, sustainable buildings, transport planning, economic development, health and wellbeing, community cohesion, green space amenity, designated areas, development, planning and land management.

And by introducing strategic environmental assessments into the GWP and policy and planning to underpin the green economy, which will in turn provide decision-makers with the evidence base they need to deliver quick, decisive and visible action; and to robustly understand any associated threats and opportunities involved.

So as ever it comes down to having a good evidence base, that is another running theme. But it really is about risk management and understanding what is an acceptable level of risk, current and long-term.

More quickly, on the Marine Economic Support Plan, this effectively provides the same evidence base, tools and benefits as the Green Infrastructure Plan, but for the marine environment, all of which again is vital to support and underpin the blue economy.



4840 So what would that author of that risk management article say of the Government Work Plan? Would he conclude that this States' Assembly has acknowledged the warning signals, gathered enough information and appreciated the risks involved to the natural environment and approved a Government Work Plan with the right actions and controls to drive a truly sustainable economic recovery? Or would he say that we had had the opportunity to turn the tide but had fallen victim to complacency?

4845 If the Green Infrastructure Plan and Marine Economic Support Plan are put on the backburner until the economy is deemed to have recovered enough to fund environmental policy, then we will have failed. But if the Green Infrastructure Plan and Marine Economic Support Plan are used to underpin the economic actions and decision-making within the Government Work Plan then, yes, this policy letter has the potential to deliver its aspirations of a sustainable economic recovery.

4850 I will finish with the words of Mark Carney. He said:

If, as it is beginning to appear, society's values are being redefined, prioritising resilience, solidarity and sustainability, the tensions between urgency and complacency can be resolved. Commitment can replace complacency. Urgency can become an opportunity.

I hope we as an Assembly choose to grasp that opportunity. Thank you.

**The Bailiff:** Members of the States, we have exhausted the hour that we gave ourselves earlier. 4855 Is it your wish that the States continues sitting this evening to conclude this debate? (**Several Members:** Pour.) Anyone against that? No, fine. Is there anyone else who wishes to speak or can I turn to Deputy Soulsby to reply to the debate? I certainly do not want to stop anyone speaking if they want to. No. In that case, Deputy Soulsby, Vice-President, to reply to the debate.

4860 **Deputy Soulsby:** Right, sir, I will try to be as quick as I can. Deputy Queripel, he did provide the questions in advance, I did say to him, look, these are better suited to HSC, I am not on HSC any more. Honest, I do not want to really do two jobs again. But I am going to respond here. Do we know in the long-term the COVID vaccines; will it turn out to be the next asbestosis or thalidomide in years to come? Asbestosis was not a vaccine and thalidomide was a pill of its time, but I know 4865 what he was trying to get at.

We do not have a crystal ball but international efforts have been focussed on ensuring the safety and efficacy of candidate vaccines. There is a lot of tested technology, regulated processes that, whilst they have been accelerated, they have been followed. Rigorous testing, pre-clinical trials, clinical trials have been undertaken by regulatory bodies. Basically the eyes of the world have been 4870 on this so we know what is going on all the time in real time.

Question two, are the CCA only committed to the vaccine to combat the virus on the road to recovery or are they monitoring the research into other methods of combating the virus? Again this sits with HSC rather than CCA but in response, and I hope Deputy Brouard is quite happy with me referencing this, whilst it is a new virus, there has been lots that we could learn from the 4875 management of other viruses and efforts are focussed on both treatment and prevention.

Regarding treatment, continue evaluating that, applying updated evidence to our management of patients of COVID-19, such as the NICE, National Institute of Health Care Excellence, replaced its previous rapid COVID-19 guidelines with a single guideline covering various things. I will not mention everything on here to everybody but you get the drift. We have followed previous NICE 4880 recommendations using drugs remdesivir and dexamethasone.

Prevention of infection is also key to efforts, particularly seen with the adoption of non-pharmaceutical conventions like face coverings, social distancing etc. hand and respiratory hygiene. All that is very important. And continue to be informed by the science and we will use, as appropriate, emerging research to inform our approach.

4885 Number three, is CCA open to the idea of alternative treatments for vaccine being offered to Islanders in the future? Again this is really for HSC but vaccines are a preventative measure not a treatment. There is no technology available that would offer the same preventative benefits that

vaccination does. In respect of treatments as part of the Bailiwick's response to COVID-19, a dedicated medical cell was developed to provide a forum for clinical staff to come together to review local pathways and procedures and our best practice and clinical guidance. There is consideration, based on the availability of treatment options to ensure that any Islanders affected receive the best possible care.

Only a very small percentage of individuals positive with COVID-19 require hospital care. The vast majority can successfully be managed at home and so with every patient within HSC's care, any Islanders hospitalised with COVID-19 will have an individual care plan informed by the specific circumstances.

With regard to Vitamin D, that Deputy Queripel referenced, yes and I believe Dr Brink has said it is quite helpful to build your immune system, showing that Vitamin D might be helpful for you if you can get it and I take a tablet of Vitamin D every day because of that, because I listen to Dr Brink.

Question four, how will Islanders who have chosen not to be vaccinated be treated by the Government without venturing into the realms of discrimination? This probably sits more with the CCA. In terms of where those who have chosen or actually who cannot have the vaccine, I think it is important to appreciate that as a Government, we are bound by the Human Rights (Bailiwick of Guernsey) Law 2000 and that ensures that everyone in the Bailiwick is entitled to the fundamental rights and freedoms of the European Convention on Human Rights.

The Law requires all public authorities to act in a way which is compliant with the European Convention on Human Rights. Public authorities who do not comply with the rights of the Convention will be acting unlawfully. The CCA has also been required to ensure that the actions it takes are appropriate and proportionate and comply with that convention.

In terms of vaccine passports, we are awaiting guidance from WHO on the recommendations. Irrespective of what Government does, I think it is quite possible that other parties may bring in their own laws. We will be hearing that some carriers and tour operators have developed policies regarding vaccination and basically it will be interesting to see what comes in the coming months.

Question five, is there currently an extensive and long-term programme in place to monitor and assess side effects of the vaccine administered to Islanders? Now the MHRA maintains a yellow card reporting system capturing the side effects of all medicines, which the Bailiwick feeds into, and publishes regular updates in respect of the COVID-19 vaccine on gov.uk

This clearly sets out the number of vaccines administered, the number of adverse reactions and this information shows that to date the vast majority of reactions have been minor and short-term, for example pain in the injection site and some other generalised symptoms, including flu-like illness, headaches or chills. These reflect the normal immune response triggered by the body to the vaccines. This is a normal occurrence after a COVID-19 vaccine. The majority of individuals will have some side effects after their first, second or both vaccines. This does not mean something has gone wrong.

Now all individuals who receive a vaccine are provided with an information leaflet explaining what to expect, the sort of side effects they may experience, how to manage these and when to seek further advice. Adverse vaccine reactions are much rarer and are reported to the MHRA for investigation, as above. So that does not put me off having my jab on Monday, hopefully. A final line, on six, if the answer to question five is yes then can Deputy Soulsby tell me please who is undertaking that work and will all the results be made public? Well I answered that in five.

So that is Deputy Queripel, I think I have answered there. Except for he did say we have also a P&R Plan. Well, nope, we do not because we covered all that within the Government Work Plan.

I will give way to Deputy Queripel.

**Deputy Queripel:** I thank Deputy Soulsby for giving way.

There was one more question. Does Deputy Soulsby consider the P&R Plan to be superfluous now we have got the Government Work Plan in place, since they seek to do the same thing?

**Deputy Soulsby:** Sorry, I was going really quickly and Deputy Queripel might not have heard that. That was just what I was saying. The Government Work Plan supersedes the P&R Plan and that is why we will be changing. The effect of today's debate, if people vote for it, means that what we can see as P&R Plan in September will disappear and we will then have the debate in July, which covers everything.

Deputy St Pier, I did deal with vision and theme in my opening speech. In terms of outcome titles being meaningless, that is interesting because they did come out from Revive and Thrive. Fair enough but what we wanted to make sure was that we had the actions actually supporting those outcomes. Focus is on recovery but make sure the actions do meet the outcomes and we do not have actions that do not meet them. Hope that helps

He references reviews and strategies. Yes, that is right. And how some of the actions in there actually they are reviews, they are strategies. That may be true but we are going to look at them in a different way. I think we do need to think of these things in a different way and see how we can start actioning things faster than through a long-winded, three-year process of creating strategies. Whether we can have break points and saying, we will work on this now, then we do the other point.

I think that goes back to something that Deputy de Sausmarez mentioned in her speech about Carney talking in the Reith Lectures, because I listened to one of his Reith Lectures, and he talked about Government needs to work differently. He talked very much along those lines as well, so that is how that fits in.

Deputy Roffey talking about population policy. I do not know if the population policy comes before we consider our fiscal policy. What we want from the economy, what do we see that we need? Because you can bring in population but if there are not jobs to go with them, if they are on Housing Support then what are you trying to do? I think it is more about and surely it has to be based on why we want people to be here in the first place. If we have not got any work for people they will leave. That is one reason for the window of opportunity, here, now, to Deputy Trott is about making sure that it does not happen and we take action now before it is too late.

Housing. Totally agree with Deputy Roffey. I was championing the need to have more affordable housing available, supporting first-time buyers from the moment I was elected and actually the report that he references arose from the amendment that I laid in the term previous to the last one. That had much opposition from the then Housing Department. So I am totally supportive and I believe P&R are and I think it was another example of where that work is continuing now. We are not waiting, we are actually getting on with it and that would be great.

I cannot read that bit so I will forget that bit now, it is too late! Deputy Sasha Kazantseva-Miller, I thank her for her words. I do think the Breaking Barriers work is really useful. It is exciting and I think it will be good for more of the Assembly to know what that was about but it was really very much focussed on skills and I think key to what we are doing here is making sure we have got the right skilled people. It is not just can they code or can they add up, it is about have we got a resilient workforce, have we got people that can survive change and work through? I think it is really important that point.

On that engagement, I think that work also covered off how we can engage with the public in the future around that and I hope we can take that forward together. Digital, yep, absolutely important. Mentioning Estonia took me back to listening to Deputy Kevin Stewart back in the 2012-2016. I can see Deputy de Lisle took that thing away. We were both on Commerce & Employment at the time: 'We will be the next Estonia.' Eight years on we are not quite but I think there is a desire for that to happen.

Digital Strategy, I think, is really coming on now. I can really see that momentum. When I was trying to push it back in 2012-14, it was all like, 'Oh yes, but what is it? We have got that internet.' Now I think there is that desire. I know from the MyGov stuff that will be coming online very soon I think we will start to see some real change, which I think will be exciting. I did reference that earlier.

I think I have referenced Deputy Trott about that window of opportunity. It is about making sure that we do not leave things too late. We have an opportunity to actually focus on it now, before we could get involved and move everything in the wrong direction. I think the trouble with the P&R

Plan last time, it took so long to come to the Assembly that everybody was doing their own thing. By the time that we got the Plan it just did not gel together. We were not focussed in a direction and also everything was all disjointed. The idea here is to bring it together.

4995 In terms of the retail bond, from the current P&R and Deputy Helyar can stand up and correct me here, but we did look at it. None of us is against the principle of the retail bond, we think it is a great idea and I supported the concept. It was Deputy Roffey that brought it forward last term. But we did not think the terms of it were right. We think it could be done in a different way and I know Deputy Helyar is always full of ideas about how we can do things in a different way and I will bow to his superiority in that.

5000 But we also thought there was a window of opportunity here, coming along, where we can determine what our capital projects are and make sure that the bond actually links to capital projects, so people know what they are putting their money in. It is not some nebulous thing, 'Oh, we are going to put our money in infrastructure, in capital.' It is something that people can then say, 'I put my money into that.' I think that feeling like you are part of change, I think we thought was important.

5005 I have just referenced Deputy de Sausmarez and Carney. Yes, talking about the stakeholder meeting, in fact quite a bit of her speech I remember being pasted into the Chat function, funnily enough. I did say in my opening speech it cannot be all about the short-term. This is all about balance and making sure we do get that right. We cannot do things short-term at the expense of the longer-term and that is really important.

5010 I do suggest if some feel it was too much to listen to Deputy de Sausmarez this evening, I would suggest that she circulates her speech to everyone because I think there were some useful points in there.

5015 I will add just a few words. We are at a critical juncture in our Island's history. We have seen the whole world being turned upside down. The most powerful countries in the world really being affected just by something that we cannot even see by the human eye. But we have shown that we can punch above our weight. We have shown we can make difficult decisions. We have shown we have public servants who can deliver on those decisions and we have shown we can create state-of-the-art services as a result, at pace.

5020 Now that is a phrase I have tried to avoid throughout all this but because I was just talking about civil servants, I know this is their favourite phrase at the moment, I will say 'at pace'. But they have. At speed. Whatever you say, we should be very proud of those services that have been delivered over the last year in particular.

5025 What coronavirus has going for it – and I know you might think, what? – well it was a definite clear and present danger. You only have to see what is happening around the world to know that something needs doing. You do not need to just think about, should we do something or not? Well, some countries were more like that than others but we definitely decide you know, something needs doing.

5030 But a lot of what we normally do is a bit of a slow-burn. You identify your need. We think about it. We write about it. We debate it. We re-debate it. We amend it. We have a slightly different it. We apply for resources to do it, find people to do it and eventually, a few years later, if we are lucky, we do a bit of it.

5035 Now that is, if we have got the people and resources to do it. More often than not we do not finish it or do it. That is because, as I said, we have 535 extant Resolutions and there are hundreds of other things that are going on that need to be done. We need to think differently and work differently.

This really has been the easy bit. The next few months are going to be difficult and I can tell you now, what is presented in July will not please everyone in every way. It really cannot. That is because the reality will hit us and we will see just what we can, or more particularly, cannot do.

5040 But as I say and as I said to myself when I am doing my exercising the osteopath has told me to do, no pain, no gain. For years we have produced plans but not got to the point of having one plan

and also avoided the really difficult bit. At this moment in time, as we begin to live with Brexit and COVID, we must focus on what matters to our community.

5045 That means we cannot do things as we have always done and that leads me to my closing remarks. I have mentioned thinking differently, working differently a lot. The reason why, it came out of when we were working at HSC. We expounded words like 'transformation' and think what do we mean, what does this all mean? We came to it and thought actually it boils down to the phrase thinking differently and working differently. If you are going to make change happen that is what you need to do.

5050 To be honest I think that works for the whole of the States, not just one Committee. Let us face it, the States of Guernsey as a body does need to change and think differently, and we have begun that through a new approach and a new approach to planning. Ultimately, that is the important bit, the planning.

5055 I never thought I would actually quote him but anyway, it was a former President, Dwight D. Eisenhower who said:

A plan is nothing. Planning is everything.

He was right and why the next few months will be critical. That is why we need to work together in partnership if we are to have a Plan for our time, a Plan we believe in and a Plan for our people and I commend this policy letter to the Assembly.

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**The Bailiff:** Members of the States, there are nine Propositions. Does any Member wish any of those nine Propositions to be put to you separately? Propositions 1, 2 and 3 have all been amended, with consequential amendments to 4, 5 and 6. As there is no request for them to be put separately, I am going to put them to you together *aux voix*. Those in favour; those against?

5065

*Members voted Pour.*

**The Bailiff:** I declare all nine Propositions, including those that have been amended, duly carried.

**Procedural –  
Acting Presiding Officer nominations;  
Post lockdown tribute to Island community; Happy Easter**

**The Bailiff:** I am going to do three things before I ask the Greffier to close today's Meeting.

5070 The first is that some of you may have realised that I had not announced who my nominations for Acting Presiding Officer in this Assembly and also the States of Election are going to be. I have now finalised that and it will be Deputy Gollop, Deputy Roffey and Deputy Trott as Acting Presiding Officers in both of the States this time. So it is three and three, rather than as it has been on occasions in the past where it was three and one. That will be formalised in an Appendix matter in the next Billet.

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Secondly, I hope you have all appreciated being able to come back into the Chamber and to be able to debate in person. We would not have been able to do that this week and we would not have been able to defer the Government Work Plan debate, which has occupied the last day-and-a-half or so, if we had not had such a good response from the community to the second lockdown, just as we had such a good response to the first lockdown.

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People have been working incredibly hard but they would not have been able to get us to the stage that we are at if it was not for the community playing their part. So everyone here, everyone across the Bailiwick has done incredibly well to enable us to have been able to come back here and

5085 I think we should, before we rise today, show our appreciation to the community and everyone in that way normally. *[Applause]*

The third and final thing I want to do before we rise this evening is to wish you all a very happy Easter. I hope you have a nice, sort of recess, if we had such things as recess, over the Easter break, and come back next month suitably refreshed, when we will meet again. So have a good evening, have a good weekend and have a good Easter.

*The Assembly adjourned at 7.04. p.m.*