



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Thursday, 15th July 2021**

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**Present:**

**R. J. McMahon, Esq., Bailiff and Presiding Officer**

**Law Officers**

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

**People's Deputies**

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C. P. A. Blin	A. Kazantseva-Miller
A. H. Brouard	J. P. Le Tocq
Y. Burford	D. J. Mahoney
T. L. Bury	A. D. S. Matthews
A. Cameron	L. J. McKenna
D. de G. de Lisle	N. G. Moakes
H. L. de Sausmarez	R. C. Murray
A. C. Dudley-Owen	V. S. Oliver
J. F. Dyke	C. N. K. Parkinson
S. P. Fairclough	R. G. Prow
S. J. Falla	L. C. Queripel
P. T. R. Ferbrache	P. J. Roffey
A. Gabriel	H. J. R. Soulsby
J. A. B. Gollop	G. A. St Pier
S. P. Haskins	L. S. Trott
M. A. J. Helyar	S. P. J. Vermeulen

**Representatives of the Island of Alderney**

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

**The Clerk to the States of Deliberation**

C. Foster (H.M. Deputy Greffier)

**Absent at the Evocation**

Deputies M. P. Leadbeater, C. P. Meerveld and A. W. Taylor (*Relevé à 9h 47*)

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The States' Greffier*

## EVOCATION

# Billet d'État XIV

## LEGISLATION FOR APPROVAL

### COMMITTEE FOR HEALTH & SOCIAL CARE

#### 5. The Abortion (Guernsey) (Amendment) Law, 2021 – Debate concluded – Proposition carried

*Article 5.*

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft *Projet de Loi* entitled "The Abortion (Guernsey) (Amendment) Law, 2021", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.*

**The Deputy Greffier:** Article 5. Committee for Health & Social Care, the Abortion (Guernsey) (Amendment) Law, 2021 – continuation of debate.

5 **The Bailiff:** Deputy Blin.

**Deputy Blin:** Thank you, sir. As much as I accept that the 1997 Abortion Law requires modernising, there are some elements contained within the updated legislation which do not seem justified. I will not enter into complex and long arguments for the pros and cons of abortion. My stance and concerns come from what may become enshrined in law following this debate.

10 I observe that having abortion under criminal law may have the Draconian effect of criminalising the mother. But the Law also governs protection around human life, safety and moral welfare. Decriminalisation has the effect of removing these legal protections from the mother and child as well. To be clear, it has the effect that any person may supply the means of an abortion to anyone, not just to a woman but also to a man who could then coerce his partner into an abortion. You may perceive this as extreme, highly improbably even, but believe me this is sadly a society we live in.

The reality is that in the UK since 1967 there have only ever been two prosecutions for situations like this, I describe. And it means our society has to start again and establish this self-regulation.

20 Under the amendment 1997 Guernsey Law, the regulation of abortion would now fall to a medical body such as the Royal College of Obstetricians and Gynaecologists, though the question for me is how will the medical profession monitor and regulate the activities of people entirely outside its own area, an example being keeping checks on the growing business of marketing and direct selling abortion products and pills?

25 In my speech supporting the *sursis* yesterday, I had my concerns over reducing the pre-abortion consultation process from two medical specialists to one. This does not even happen in the UK, so why would we wish to go this far in deregulation. I struggle with the duration or the extension of 24 weeks, although I have heard and read information from both sides. I can see that 12 weeks, as it stands, is insufficient to ensure that pregnancies are checked or there is time to resolve issues. But when we know, and especially with progress in medical development, it is much more common  
30 to have births from 21 weeks onwards that are viable and successful and it is clear to me that this should not be the maximum legal duration for termination, as in the 24.

The thought of taking that right or opportunity of life away from [*inaudible*] just feels wrong. There is another piece of the Law that feels wrong. Around 24 weeks, an unborn child can feel. They have their own arms and legs and heart and brain and therefore they feel pain. If they are given just  
35 a few more weeks to live then they would be able to live independently. So the maximum termination should be kept to the 20 weeks, or 22 weeks at most. This at least gives some chance to the unborn.

We need to think and act on their behalf because an unborn child cannot. I am not against the requirements to help the mothers and society should do much more. We need more creches, we  
40 need an increase in the spending provision of Family Planning and not limited to helping up to teenagers. We need to create specific support to deal with the cause and culture of unwanted pregnancies and I ask, again, why we cannot keep the maximum period to the 20 weeks or 22 weeks.

I know many will see me as not supporting the rights of the mother but in fact I do and I am democratically elected to support all of our society and I stand by the mother and the unborn child.  
45 Do not forget that unborn child, if allowed to live, can be one of the mothers too.

When we repeal section one, there is now no time limit on a pregnant woman, at any time during her full pregnancy, procuring her own miscarriage. A closely related issue is whether there is actually any offence of killing a child during birth. When researching this, I came across a gap in English common law filled by the offence of child destruction, brought in by statute in 1929 and I do not  
50 know if this actually covers Guernsey and I would appreciate it, sir, if maybe the HM Comptroller could clarify this.

In any case, this statute makes it an offence to kill any child capable of being born alive and therefore protects a child in the latter stages of pregnancy before it has drawn breath of its own accord. So Section 1 of the Law would have to deal with this issue of late self-termination but there  
55 might be a gap in respect of the final stage.

On the matter of the proposed Discrimination Law, it is there to protect people with disabilities against discrimination. So surely we cannot have an amended Abortion Law to be discriminatory? The most vulnerable human beings in Guernsey are the unborn children and doubly so if they are disabled and we must not overlook that vulnerability and the vulnerability of the mother.  
60

To finish, if I had been part of the Assembly last year, I would have accepted the need in our society to allow for legal abortions. I am not objecting to modernising the 1997 Abortion Law, I just do object to the way parts of this have been re-written and I truly wish that I was there to vote for those amendments then. I do detect that this Law will be passed. I am not satisfied with the proposal. I am not against the modernisation of the Law but it just feels that we have not covered all the areas  
65 and this now feels too late. Thank you, sir.

**The Bailiff:** Deputy Prow.

**Deputy Prow:** Thank you, Mr Bailiff. Could I start by thanking Deputy Bury for her opening speech, which in my humble opinion was thorough and accomplished? I just want to pick up on a couple of points actually. A couple of Deputies have said, have indicated that we should not be debating this at all.

Well, sir, in my view, and Deputy Gollop has reminded us on a few occasions and if I have got this wrong I will be happy to give way to him, but he has reminded us that we are a mature jurisdiction and it is absolutely right and part of parliamentary process that not only do we debate the Propositions but that the legislation comes back to this Assembly and it is a parliamentary practice which is internationally recognised. In some jurisdictions in the UK there are two Chambers, legislation flies backwards and forwards between those two Chambers and indeed in another Crown Dependency, in the Isle of Man, there is a three-Chamber system. In this States we have a separate agenda item for legislation and it is absolutely right and proper that, where Members feel it is right to do so, we debate it.

In this debate it is a very difficult subject. There were protests – very well-conducted protests, outside the States yesterday. It is a matter of great public interest. I just want to make my position clear for the avoidance of any doubt. This is a debate around the legislation so all my comments relate either to the main Abortion (Guernsey) Law of 1997, the principal legislation. But my comments are specific to the Amendment Law and they are specific to Section 4 and particularly 4(a) (ii), (iii) and (b).

So last term I was honoured to serve on the Health & Social Care Committee, which presented the policy letter leading to the legislation before us today and it was a privilege for me to serve under Deputy Soulsby and I think we are the only two surviving Members of that Committee, which actually brings me to a point, I think it was made by Deputy Falla, which has pointed out that a substantial number of this Assembly were not party to that debate.

The legislation was the result of 12 Propositions, which were debated and approved last term and well-articulated by Deputy Bury. However, sir, I made my position clear and my position then, which has not changed, is recorded on *Hansard*. In short, sir, I fully agreed with my HSC colleagues when we acknowledged and heeded advice from those practitioners involved that our abortion laws are some 25 years old and needed reviewing. I supported completely that the policy letter should be brought to the States and I voted for the majority of the Propositions.

However, in that policy letter leading to the legislation, outlined in that policy at 11.3, and I will quote it as it is actually important to me that the then Committee is:

... unanimously supportive of the value of a debate regarding the proposals being submitted to the States for consideration but also agrees that it is for Members themselves to vote on each Proposition according to their conscience.

Surely that must be equally true with regard to the approval of legislation? In completely supporting the majority of the Propositions in the resulting legislation, I must now deal with those Propositions now translated into parts of the Law. These are the ones that I had difficulty with then and that I have difficulty with now.

My concerns all centre on foetal viability and the changes that affect gestational thresholds. To be clear from the outset, abortion is lawful procedure in this Island now, contained in the current Law, up to the gestational threshold of 12 weeks, at Section 3.1(d), and 24 weeks in relation to 3.1(c). Whatever views individuals may have – and I respect them all – the abortion procedure has become internationally recognised and accepted and undertaken lawfully around the globe and its development has done much for women's health and wellbeing.

However, the legislation before us seeks to amend the existing Law to extend to 24 weeks, or in Section 3, to remove any gestational period. Medical science, in this case obstetrics and gynaecological care, has in recent years enabled the delivery of children who have survived after 22 weeks. Sir, the facts are that unborn children have a high threshold, compatible with survival at and before 24 weeks.

Not only that, but science drives forward and where an unborn child has underlying conditions, more procedures and treatments become available, including operating on a baby still in the womb. I struggle, as I have said, around the question as to when a foetus becomes a viable human being. Scans show babies moving in the womb. Some at different gestational stages than others. Sir, does this not raise some uncomfortable issues of conscience for us all? When does the unborn baby obtain a functional foetal cortex and feel pain? These factors mean, in my mind, that the Assembly needs to consider very carefully those considerations in their decision, in the legislation, to extend to 24 weeks.

We have also previously debated, rightly in my view, the issues that follow a diagnosis of foetal abnormality, including non-fatal conditions. We have heard that similar provisions in the United Kingdom have been subject to legal and political challenge, centred on the diagnosis. The actual basis of disability and the extent of the definition of physical and mental anomalies.

One other key consideration is that it is my understanding that medical skills and expertise needed to abort a late term are not available locally and neither is the intracardiac potassium chloride injection technique used in longer term procedures. I further understand that these and other techniques used in late-term abortions are highly specialist and not without risk. I believe unless this is changed it is not the intention for Guernsey to bring in these skills as the need for late-term abortions is very low and this would not change dramatically as a result of the introduction of this legislation.

It seems to me that these procedures need to continue to be conducted off-Island by the professionals who can remain practised and up to speed. That was my view then and this is still my view now. Thank you, sir.

**The Bailiff:** Before I call anyone else to speak, Deputies Leadbeater, Meerveld and Taylor, you have all arrived since the roll call was taken. Is it your wish to be relevéd?

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

**Deputy Meerveld:** Please, sir.

**Deputy Taylor:** Thank you.

**The Bailiff:** Thank you very much, then, we will record the three of you as present. Deputy Falla.

**Deputy Falla:** Thank you, sir. I have really wrestled with this item on the States' Agenda. I have friends and associates both inside this Assembly and outside on both sides of the argument and on both sides they hold genuinely and deeply held views about the right way forward and I truly respect them for that.

It is undeniable that the majority of the Assembly of June 2020 voted for this legislation. But I cannot allow that to override something that goes deep with me. Because having not been in the June 2020 debate, although I read it last week in full, on *Hansard*, I simply cannot nod through what, for me, was a contentious outcome and one in which I had no part.

I have read the many emails that Members of this Assembly have been sent by Islanders and I thank them all for taking the trouble to express their views. It takes time and often courage to do so. We have received emails from more people on this topic than any other, so far, this term and I am not surprised. Because not many of our debates are, as stated several times yesterday, this one really is about the matter of life and death.

My main reasons for faltering today are as follows and I am not against abortion in all circumstances, I just believe that, as Deputy Blin has said, this goes too far. The extension to 24 weeks, there are now challenges to the 24-week limit in the UK, which was introduced at a time when babies were not so viable at 24 weeks.



170 According to an analysis by the United States National Institute of Health, babies born at 24 weeks now have a 68% chance of survival. So babies who are born prematurely can grow up to live long, healthy lives. What is the value of a life? I do not feel comfortable with putting a value on a life and while I can see that in some circumstances 12 weeks is not a workable timeframe, I just sense that 24 weeks is too late in the gestation process to prevent a life.

175 The lack of precise definitions in the Law around foetal abnormality. In a landmark case, again referred to yesterday, 24-year-old Heidi Carter, who has Down's Syndrome, and two others, are currently suing the government for allowing children with disabilities to be aborted after 24 weeks, saying that this is discriminatory. She was quoted saying:

I do not like to have to justify my existence. It makes me feel like I am not as valuable as anyone else. It makes me feel like I should not be here.

180 Also, why would Guernsey want to be a ground-breaker with some elements of this Law, for example not requiring two doctors to sanction an abortion? I do not think Guernsey should be a trailblazer on such matters. And restricting and regulating the right to medical professionals' conscientious objection, it feels like some kind of breach of human rights.

185 Regarding the efficacy of consultation with the wider community, I made the point yesterday, when I was restricted in my speech, but there are people who did not feel they had the chance to express their voice and that is why I am seeking to express it now. A *Guernsey Press* editorial opinion column last week questioned the movers of the *sursis* 'in all conscience'. Deputy Soulsby, in the June 2020 debate, referred to it as a matter of conscience and of course it is and that is exactly where I am conflicted today.

190 I cannot, in all conscience, approve this legislation as it stands. Had I been in the debate in June last year, I suspect I would have had sympathy with former Deputy Richard Graham's point of view that the UK, regarded by HSC as being a gold standard in this matter, might not be the right benchmark for Guernsey on this occasion.

195 While the UK is often used as a useful reference point for Guernsey, the Law that we are being asked to sign off today goes even further than the UK Law, which in itself is more liberal than most other countries. Sir, this is not a business decision. There is emotion involved. It is a subject that goes to the heart of ethical and moral standpoints –

**Deputy Taylor:** Point of order, sir.

200 **The Bailiff:** Point of order, Deputy Taylor.

**Deputy Taylor:** Point of correction, apologies.

**The Bailiff:** Point of correction.

205 **Deputy Taylor:** In the area of requiring doctors, the Isle of Man does not require two doctors to sign off the abortion. I may be wrong there. Is that right? Thank you.

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

210 **Deputy Falla:** The Law we are being asked to sign off today goes even further than the UK Law, which in itself is more liberal than most other countries. Sir, this is not a business decision. There is emotion involved. It is a subject that goes to the heart of ethical and moral standpoints and those are ones which I just cannot detach myself from today. Thank you.

215 **The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Thank you, sir. On one thing I completely agree with the last few speakers, we have every right to debate legislation when it comes back before the Assembly and that this is a matter of conscience and that they have the right to vote according to their conscience. However, I fully support all of the clauses in this legislation.

220 To me, the arguments that have been put up against it both in this Assembly this morning and in the run-up to this debate have mainly been threefold. They have been whether 24 weeks is too far into a pregnancy to allow an abortion, whether it is right to allow foetal abnormality to be a factor in deciding whether a foetus is aborted and whether to decriminalise the act of seeking your own termination if you are a woman.

225 I believe, in all three cases, that this Law has got it right. To try and illustrate that, I am going to – I know anecdotes can be difficult sometimes – but I am going to tell you a story of somebody, a very close relation of mine. I have her permission to say it. I am not going to say who she is because I do not think that would be particularly helpful to anybody.

230 She became pregnant and she was thrilled, really thrilled to become pregnant, really wanted to start a family. Unfortunately, when the first normal scan came along – I am a man, so I cannot really remember, is it 10 weeks? – or whenever it is. There appeared to be a problem. She was referred to Southampton and they picked up that the twins that she was carrying had a very significant foetal abnormality and that there was absolutely no chance that she was going to carry them to term. She did not.

235 There was a genetic element to that and they said to her that that there was no reason why she should not try for another child but there was an enhanced possibility that the same problem could occur. It might not. It might be a perfectly healthy child. She became pregnant again. Guernsey did not even start to look after her pregnancy, they referred her straight to Southampton because of her previous condition.

240 Unfortunately, the first scan, it looked very probable that exactly the same problem was present with the new pregnancy there had been for the former pregnancy. They asked her whether she wanted a termination. They pointed out that if she continued with the pregnancy to full term that the foetus she was carrying would probably die in the last weeks of her pregnancy; if not would probably be stillborn and if that did not happen, would certainly die within a few weeks of being born and would have a very wretched and actually painful life during those few weeks.

245 But they said, 'We will be able to give you better advice about whether this condition actually is existing,' – because there was something on the back of the neck it looked as if it did – 'after we have given another scan at 22 weeks.' I confess, I did not say it, my thought was do not put yourself through it. But she did, she had really wanted the child, she waited until 22 weeks. Really good news. 250 The problem did not exist. It had appeared to be but it seemed to rectify itself, went to full term, she had a healthy child, a lovely young child now.

Now, if the opportunity to have a late termination, up to 24 weeks had not existed, she undoubtedly would have terminated that pregnancy when she was first warned that this was likely to be a condition. Twenty-four weeks absolutely has to be there. If you are going to terminate a child, you are not going to want it to be later in the term, you are going to want it to be early. 255 People do not choose for no good reason to do it late in term but there are some circumstances where that backstop has to be.

So, I think that that personal anecdote proves two things, really. One, that we need the 24 weeks and, secondly, that foetal abnormalities do have to be taken into account, because what if the news 260 had been different at 22 weeks. I understand people with Down's Syndrome feeling undervalued, but if foetal abnormalities could not be taken into account, we would have been saying to that young woman, 'Sorry, you are going to have to carry this child until it probably spontaneously aborts in the last few weeks or when you give stillbirth to it or when you give live birth to it and it dies within a few weeks.'

265 If actually people do not think that is cruel, I do not understand their value system. So, I do believe that it is important –

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

270 **The Bailiff:** Point of correction, Deputy Meerveld.

**Deputy Meerveld:** Deputy Roffey appears to be misleading the Assembly. The 24-week abortion limit is for elective abortions. Abortions on medical grounds can be done until end of term. That is in the legislation. Thank you, sir.

275

**The Bailiff:** Deputy Roffey to continue, please.

**Deputy Roffey:** The trouble is that people do not know, sometimes, whether there is medical ground for an abortion until very late on. Some tests are not able to be completed early in term. The other thing that I would point out that I think that anecdote shows is something different. The only reason that this relative of mine was able to pause for this length of time is because she knew she had the backstop of actually being under tertiary care in the UK.

280

We are exporting a problem. It is a smaller exportation of the problem than it used to be. I was a Member of the Board of Health back in the 1980s, when abortion was completely illegal in Guernsey, and I can remember the young women I spoke to that used to go off in desperation to the UK to have terminations in clinics there. For some of them, it was not that bad. They would have much preferred not to have the trauma to go ahead but they had the money to take somebody that they loved with them, to stay in a decent guest house or hotel. Others went alone in desperation and I remember one young woman telling me that she had slept on a park bench in Southampton.

285

We thankfully are not in that situation now because the vast majority of pregnancies, if they are going to be terminated, are done by 12 weeks. But for the small number where it has to be done late term, we are exporting the problem and we should not be doing that.

290

Finally, I want to go onto this business about criminality and what signal does it send out if we decriminalise a woman seeking self-termination at any time during the pregnancy. Sometimes there are problems with members of legislative assemblies. They think if something is wrong it has to be illegal and it is only legal if it is right. The two are two totally different things.

295

I pose the question how difficult is it to try and end your own pregnancy? We are being conjured up the vision of people at seven, eight, nine months pregnant suddenly, almost by a whim, deciding that they want to terminate their own pregnancy. I cannot understand how you could actually do that. Who would do that? The answer is nobody in their right mind. Nobody who is in their right mind. The person who would do that is a person who had been driven to absolute desperation, to the point that they are no longer in their right mind.

300

Saying that that should not be a criminal act is not saying it is a good thing, that it is a right thing, that is not an appalling thing. Suicide is an appalling thing. Some years ago, thank goodness, this Assembly had the common sense to realise that attempted suicide should no longer be a criminal offence. It was not saying it is okay, go off and try and kill yourselves. They were saying that, if you reach that desperation, that point, then actually treating you as a criminal, threatening you with a criminal system, is utterly pointless.

305

Nor is this Law protecting babies in late term or fetuses in late term. Because if you reach that point of desperation, if your mind has got to that level, then the threat of legal action is not going to make a jot of difference to your actions. You are way beyond that point. So we are not removing any type of protection for the child.

310

Now, it has been said that, actually, hardly anyone has been prosecuted in the UK for this and I do not think anybody has in Guernsey. That is right. That is people, the justice system, realising the futility of even trying to implement the Law as it stands. Nevertheless the stigma is there. Nevertheless anybody, until a few years ago, who tried to kill themselves, was carrying out a criminal act and likewise here. I know suicide is slightly different – there is only you involved – and there is a third party here, I understand that. But it is a point of madness, frankly, and criminalising that, this

315

320 is a situation where 100% of our focus should be giving our help, understanding and assistance, not threatening people with the legal system.

*The States are asked:-*

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

**The Bailiff:** Deputy Gollop, you have submitted an amendment to this Proposition?

325 **Deputy Gollop:** Yes, but it has not been distributed yet.

**The Bailiff:** Well it is ready to be distributed and therefore I am simply going to ask you whether you are minded to lay the amendment now, which is the motion under article 7(1) of the Reform (Guernsey) Law, 1948, first?

330

**Deputy Gollop:** Yes, apologies for the last-minute nature of this but I think if I could lay the amendment now, I will.

335 **The Bailiff:** Greffier, can we please distribute the paper copies to Members? It seems to me to make sense to deal with the motion first and, if successful, the amendment, before we resume general debate. Does every Member now have a paper copy of the motion and the amendment to which the motion attaches? It is a straight-forward amendment for '24th', '22nd' in the two places in the draft Projet that is before you.

340 Deputy Gollop you have the motion under Article 7(1) to suspend the Rules of Procedure to the extent necessary to permit the Proposition set out below to be considered. I am not going to invite you to open on the amendment until the motion has been put to Members but that is a motion proposed by you and seconded by Deputy Blin, is it not?

345 Thank you. Members of the States, I am simply going to put that motion to you first, whether you are minded to suspend the Rules of Procedure to the extent necessary to permit that amendment to be considered. There is a request for a recorded vote on the motion so, in respect of that motion, Greffier, a recorded vote please.

*There was a recorded vote.*

*Carried – Pour 21, Contre 18, Ne vote pas 0, Absent 0*

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

Deputy Mahoney

350 **The Bailiff:** Well, Members of the States, on the motion under Article 7(1) of the Reform (Guernsey) Law, 1948, proposed by Deputy Gollop and seconded by Deputy Blin, there voted Pour 21 and Contre 18 and therefore the Rules are suspended to the extent necessary to permit the amendment to be debated.

[Amendment](#)

*At the end of the Proposition, insert:*

*“subject to the following amendments –*

- 1. in clause 4(a)(iii) of the Projet, for “twenty-fourth” substitute “twenty-second”, and*
- 2. in clause 4(b) of the Projet, in the inserted sub-section (2), for “twenty-fourth” substitute “twenty-second””.*

355 **The Bailiff:** So, Deputy Gollop, would you like, and I suggest it would be advisable, for the amendment to be read?

**Deputy Gollop:** Yes please, thank you very much, sir.

360 **The Bailiff:** Thank you. Greffier.

*The Deputy Greffier read out amendment 1*

**The Bailiff:** Thank you. Deputy Gollop to open debate on this amendment, please.

365 **Deputy Gollop:** Thank you very much, sir, Mr Bailiff. When there is a run-up to a debate, especially a debating session as busy as this one, it is sometimes tempting to hope somebody else will do things and then nobody does it. As it turned out, we had a *sursis* placed by Deputy Meerveld and Deputy McKenna but we did not have on this occasion any amendments to legislation.

370 There were of course, as Deputy Soulsby and Deputy Bury and others have reminded us, a very extensive consultation and debate last year and numerous amendments were placed. I remember myself placing one towards the end of the occasion for 20 weeks. I have been listening to the speeches, yesterday and today, and I take on board the point, I think Deputy McKenna made and Deputy Meerveld, that changing legislation on the floor of the States is not the ideal thing to do. But nevertheless we have heard extensively, this morning even, passionate views on 24/22 weeks, for and against.

375 Deputy Roffey made a heartfelt, moving speech, and Deputy St Pier had raised a similar issue yesterday, that there are, thankfully, occasions where perhaps children have come into this world because of a different attitude to legislation in the UK, precisely because of the 24-week period and I do accept that. But all legislation is about doing the best you can, balancing risks and outcomes.

380 I have to say, if you look at the history of abortion in the UK, because there was a 1967 Abortion Act, during the, in some ways pioneering, progressive Harold Wilson/Roy Jenkins administration of that era, it was promoted at the time by somebody who was quite religious in some ways, the later leader of the Liberal Democrat party, Lord David Steel.

385 But the early version of the law that Deputy Ferbrache and others will remember from Law School perhaps, was that it was up to 28 weeks. But this was reduced in the long Conservative era of 1990, to 24 weeks. Despite Labour, Conservative and coalition governments since then it has remained at 24 weeks.

390 The point I make is that these periods are not set in stone and medical advances, changes in viability of children, changes in technology and attitudes, led to a reduction and we heard today great speeches from Deputy Blin, Deputy Falla and Deputy Prow on the concerns some of us have with viability.

395 There are a few issues about the Law that I have misgivings about. I would have liked to have seen more counselling, for example, but I did accept on balance that most of the Law is a direction society wants and needs to go in. But we came through yesterday two very well-behaved demonstrations of people extremely committed to their arguments. Actually, whatever we vote for today, we will come out of here satisfying neither camp completely.

400 I say that because when one looks at the detail of some of the messages of people, women, very much fighting for a woman's right to have control over her body, the implication there might be a later period than 24 weeks, because we are still setting in legislation a cut-off period of approximately six months, which is less than it used to be in England and doubtless is in other countries.

405 We have also seen the 24 weeks being normative, I quote another example this time from the BBC but not based on BBC knowledge but based on the British Association of Perinatal Medicine. This was dated in October 2019. Previously it was recommended that only babies born at 23 weeks or later were given treatment to save their lives, but there was no evidence those born earlier can survive, although only in small numbers, the British Association of Perinatal Medicine said. It said most will die but a third may survive where treatment is possible. May survive.

410 Another figure, from America, suggested the figure was possibly lower than that, between 5%-10%. But it is evolving and it will improve year on year, country by country. My point is that there is evidence that some babies can survive as independent, individual human beings from 22 weeks. Now I know many of my colleagues – not many, but quite a number I would say – would prefer 20 weeks or less than that because of the issues Deputy Blin raised about the development of the foetus, the ability maybe for the foetus to feel pain. But my specific purpose today – and I will support the Abortion Law with a degree of reluctance, especially if it is amended – is that we would have I think a more comfortable outcome by going for 22 weeks.

415 I would not be surprised, if we do by a majority go for 24 weeks, if in a decade or sooner there may well be medical advice that would go to Health & Social Care, that will say perhaps in terms of the advances of medical science we erred on this occasion. Yes, I can imagine there will be extremely difficult cases and perhaps Health & Social Care, on very rare occasions, should provide fully funded passage to the UK, but I think with more difficult cases that would be the norm in any case.

420 I just feel that we have to balance two different rights. The rights of the woman, which I totally respect, the rights of a woman over her own body, over her own destiny, over not having to deliver a baby that has been conceived in inappropriate circumstances that could affect her mental, physical or social circumstance. So, I am in no sense in the American Republican type camp in any way.

425 But we have to balance those rights against potential babies, male and female, and also – an issue I did not mention yesterday but I should have done – the rights of disabled people. We have not yet got a fully functioning, modern, equalities and disabilities law or framework and we know that.

430 We are making advances, thanks to Deputy Dudley-Owen and her Committee, on special educational needs and one day on the Education Law, but we are still not quite there yet and I think, not only for balancing the rights of babies against the rights of mothers, but also against balancing the need in our society between inclusion and the rights of disabled people and the rights of disabled children and their parents to feel wanted and loved and valued that I believe, although many would say 24 weeks is okay, that 22 weeks is a safer, more morally justifiable argument and certainly a more medicinal and obstetric ... I think 22 weeks is stronger in terms of foetal viability, in terms of medical ethics and in terms of balancing the difficult decisions doctors and other health professionals have to make. So, I would urge the States to go for 22 weeks rather than 24 weeks.

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

440 **Deputy Blin:** Yes, sir, I second it, and hold the right to speak.

**The Bailiff:** If any Member wishes to indicate that they are also speaking in general debate while speaking on the amendment then they are at liberty to do so. I was considering whether we should just run this amendment with general debate and then go to the wind-up at the end but I think it might help some Members to have clarity on this amendment first. So, if we can confine the debate to the amendment, that will be fantastic. However, if any Member feels the need to go broader and speak in general debate and indicates as such, then they would not be speaking in general debate thereafter. Deputy Le Tocq.

**Deputy Le Tocq:** Thank you, Mr Bailiff. I will restrict my comments just to this particular amendment. I was looking to see whether I still had my notes from the numerous amendments that I laid last year to try and reduce the limit. I could not find them but it does not matter to a certain degree.

I said yesterday and I stand by it, I do not like amendments to legislation generally. They have unintended consequences. Whilst there is a certain logic to this one, because it touches on – I think I will go there – it touches on the issue of foetal viability, which was one of my main arguments last year as to why 24 weeks, in other words just cut and paste from the UK 1990s legislation, was not a good timeframe to be considering.

The UK, as has been alluded to under the private member's bill, I think it was, that David Steel brought in, was initially at a 28-week cut-off point. That was reduced in the 1990s to 24, precisely because of improvements in foetal viability. In fact it was a point, I think, that was raised by Deputy Ferbrache during the assisted dying debate – I think he has changed his mind since but he said then that if there was a move to reduce it, because of the increases in foetal viability today, which are significant, he would support that. Clearly he has changed his mind on that issue.

Nevertheless, we are entitled – all of us – to change our minds. There is an issue of foetal viability and it is quite clear that the increases have been quite dramatic, particularly in recent years. Not only that we have heard of what can happen to *in utero* operations to foetuses, even before that. I have got friends who have had operations on their little baby inside the womb between 20 and 21 weeks.

So, there is some attractiveness to this because it has that degree of logic that is better, I think, than 24 weeks. Of course, from my point of view, just this one amendment alone does not deal with all the things that, I feel in all conscience, I cannot support in this Law. So, whilst I am likely to vote for it, because in all conscience anything is better than something that you cannot stand for, it will not change my view that I will vote against the legislation, as I indicated yesterday.

I do encourage Members to seriously consider their conscience on these things because, as I think Deputy Gollop alluded to in his comments speaking to this amendment, this is a balance. It is not a roll of a dice, though, it is not a role of a die in terms of saying what number should we come up with. There has to be a certain logic to it.

Yesterday, in engaging with some of the protestors outside, I asked a question I often ask to those who stand in the pro-choice camp. The fact is, if you are pro-choice, meaning the woman's or the individual's choice, this legislation still limits that choice to 24 weeks, as it stands at the moment. So you are already ameliorating something. I asked how many would wish it to be just a matter of elective abortions up to full-term, which of course that has just been thrown out under an amendment in the UK but it does exist in places like New York, I think, and elsewhere in the world. Very few hands ever go up.

So, that demonstrates that there is a decision to be made in between. Yesterday we had some emotive language here and we have had it as well, obviously, and I expect it on cases like this, about whether we are anti-abortion, or pro-abortion, and I encourage Members not to use such language. For starters, I call myself pro-choice because I am not against abortion in all circumstances.

On that basis we therefore are dealing with the grey area of compromise and where that is possible I think we need, as a mature democracy, to swallow hard and realise that some decisions we make will not please either side, if there is an emphasis on a binary choice, and sometimes that is how this issue is portrayed. But quite clearly it is not.

495 Even those who have opposing views to me I think agree on that. I have talked at length with Deputy Roffey and indeed Deputy Soulsby on this issue and what we are being asked to do is to find where, in our corporate, consensus conscience, we feel we can agree and sit to, on this one issue. There are many more that I will come to when we deal with general debate. But I encourage Members to consider those thoughts when they vote on this.

500 **The Bailiff:** Deputy Oliver.

**Deputy Oliver:** Thank you, sir. I think this will always be an emotive subject and I can see that there would be some attraction to this. However, when you bring it back down to the facts of when a woman is scanned, this amendment then has some difficulty and I do think Deputy Gollop is right, in 10 years' time, when we have the technology to be able to scan a baby at 18 weeks, this amendment would probably be appropriate.

505 But at the moment, you are scanned at 10 weeks and it is your choice whether you have amniocentesis and you can have blood tests as well. Then you will go to your midwife at 16 weeks and they will listen to the heart rate. In my case, when you have twins, they cannot tell the heart rates, so you need another scan.

510 Then, at 20 weeks, and sometimes it can be as late as 21 weeks, you will have your scan. Now, one of my friends, it was 20 weeks and four days, and the doctor could not see, pretty much one side of the baby. Now, you think that is really stupid and they should be able to get around but she drank water, she had to go for a walk, still could not see it. So then they got her in at 21 weeks. Now, if something had been very wrong at that time, that would have given her only one week to make a very life-changing decision, which in my view is just not enough time because once you have a problem, you will then be assigned generally to somebody else to then have a second opinion.

520 I give way.

**Deputy Dudley-Owen:** I am really grateful to Deputy Oliver for giving way, I truly am. But I am slightly confused and I just wish for clarification if possible, because the choices you are talking about, where you say if something had been wrong with the baby at that stage, that is covered under a different section of the Law, in regards to foetal abnormality, rather than this, which is – and I hate to use the term but it is I understand a medical term rather than a social abortion – which is by choice. I just wanted some clarity on that. The amendment we are discussing is around the term for social abortion, as opposed to that which is required for medical reasons.

**Deputy Oliver:** Thank you for that. I think that the 20-week scan shows a lot and whether it is medical or not, at the 20 weeks, hormones do start to kick in, generally. So you do become more, I would say, more attached and some women it is such a big choice and I think that the length of time and the more time that you have, it is so important to make that big choice. I think that is where it comes down to it.

535 Whatever you think or however, I think the longer that the baby is inside you the less likely you are going to want to abort that baby and I just think that time is something that you need on here. The statistics at 24 weeks, without any problems, are still incredibly low. A baby might survive but, generally, at 24 weeks – and you can talk about 24 weeks but 24 weeks and six days, six days in that time is such a long time and so many different things are happening within that baby to progress. I think that 24 weeks without any problems is quite rare. There will be some cases but it is very rare. So that is why I think that me, personally, I will be rejecting this amendment, just because I also think, going away from England, on this occasion, could cause further problems as well.

**The Bailiff:** Deputy Leadbeater.



545 **Deputy Leadbeater:** Thank you, sir. This exact amendment was laid last time, when we debated the policy letter, and was rejected at that time. I have just got some notes from the Committee, notes on the amendment at that time. Medical professionals in specialities that are relevant to abortion care are in agreement that viability is appropriately set at 24 weeks of gestation.

550 Perinatal mortality data, including data from the Bailiwick, is collated annually, regarding the outcomes of those infants born very prematurely, to guide future practice. If it ever becomes apparent that the age of viability needs to be reconsidered the recommendation will be driven by the specialists who are qualified to speak on this matter.

555 When the age of viability in the UK Law was reduced from 28 weeks to 24 weeks, it was the Royal College of Obstetricians and Gynaecologists who noted the significant progress in neonatal survival rates and subsequently recommended that the age at which a foetus should be considered as viable should be 24 weeks. Parliament subsequently agreed to amend the Abortion Act 1967 on that advice.

560 The amendment is only likely to achieve disruption to the abortion service, a vital component of women's reproductive health service, by pro-life organisations and false science. The amendment would also mean that the ability to pay for an abortion will continue to dictate whether a woman can access a health service that she may need. Because if she is able to pay and make an arrangement for herself to travel to England to have an abortion privately, beyond 22 weeks, she still may do so.

565 The Committee strongly opposes that expert medical professionals should have their practice further restricted by legislative requirements that are not supported by scientific evidence. The British Pregnancy Advisory Service, on viability:

The discussion about foetal viability involves two quite separate issues. One is the increase in survival rates for babies born extremely prematurely, at the point described by the Royal College of Obstetricians and Gynaecologists as the threshold of viability, 23+0 weeks to 24+6 weeks of gestation. These babies who, in previous eras, would be expected to die.

The increase in survival rates for extremely pre-term babies is a good news story, speaking to the advances that have been made in neonatal care. Many parents who spontaneously deliver a wanted pregnancy at these early gestations, will be hoping beyond hope that their baby survives.

The second issue is abortion, which in Britain is available up to 24 weeks' gestation, the rationale for the time limit being set at 24 weeks is that this is the point at which the foetus becomes viable, that is capable of surviving outside the womb. This means that discussions about the survival rates of babies at around 24 weeks have tended to become conflated with debates about the morality of abortion in the second trimester of pregnancy.

The conflation of these two discussions does nobody any good. Every year in England and Wales a small proportion of women, 1% of the total, has an abortion over 20 weeks gestation. Their reasons for doing so have nothing to do with the viability of their foetus and everything to do with their circumstances, always highly personal and often very distressing that mean they feel they cannot carry their pregnancy full term.

Pointing the survival rates of babies born at 23 and 24 weeks' gestation fails to engage with anything that these women are going through.

Thank you, sir.

570 **The Bailiff:** Deputy Meerveld.

**Deputy Meerveld:** Thank you, sir. I will start my comments by again saying that I am pro-choice and I also want to see the Abortion Law updated but, as people will know from my *sursis* yesterday, there are issues with the way this is being implemented.

575 If I read a section from my speech yesterday, just to bring people up to date, because it leads directly to this issue, we create laws to protect the innocent, based on the findings of our community. It is unacceptable not to protect survivable children, viable foetuses in medical terms. At that stage of foetal development, when the life of the unborn child may continue indefinitely outside the womb.

580 The issue of when a foetus becomes a survivable child brings me to why I voted against two out of the 12 Propositions in the June 2020 debate. These were the Propositions extending the elective

abortion gestation period from 12 to 24 weeks – elective, or social abortions, as Deputy Dudley-Owen pointed out.

585 I do not support these Propositions because medical advances enable babies to be delivered and survive at considerably shorter gestation periods. According to the British Association of Perinatal Medicine, among babies alive at birth and receiving care, 35% born at 22 weeks survive, 38% at 23 weeks and 60% at 24 weeks. Therefore, if we allow elective abortion at 24 weeks, we will be sanctioning babies with up to a 60% chance of survival being born.

590 Incidentally, that report from the British Association of Perinatal Medicine was produced at the end of 2019, so that is extremely current research. Just going back to that point about sanctioning babies with a 60% chance of survival. Basically we can have, in one bed, a mother with a child born at 26 weeks, prematurely, and surviving, and in the other bed, a woman electing to remove a child that could be born. And this is electively. We are not talking about on medical grounds.

595 So, both the examples given by Deputy Oliver and Deputy Roffey, of examples of people learning late that they have got a medical condition and wanting to have a late abortion, that could be done under the Law because you can abort on medical grounds right up to the date of delivery. So, you could abort on medical grounds at 30 weeks, at 36 weeks, if any scans or any checks or any tests prove there are apparent abnormalities that justify that.

600 So, let us look at this argument about the survivable child. Basically, if you look at abortion debates around the world, foetal viability is a big part of that whether or not the child can survive out of the womb. At what point do we have to say, and what woman should at this stage not electively abort because we have a child that could be born at this stage and survive, have a high probability of surviving and becoming a part of our community.

605 If we look at the actual statistics from around Europe and look at the abortion gestation periods for elective abortions and I will just read these off because it will give you an idea of where we are potentially going, versus where the majority of others, of our neighbours, of developed countries are.

610 Belgium, through 14 weeks; Czechoslovakia, 12 weeks; Denmark, 12 weeks; Estonia, 12 weeks; Finland, 12 weeks; France, 14 weeks; Germany, 14 weeks; Great Britain, 24 weeks; Iceland, 12; Italy, three months; Netherlands, their gestation age limit is based on the foetal viability or the survivability of the child, so they are currently at 22 weeks; New Zealand, 12 weeks; Norway, 12 weeks; Portugal, 12 weeks; Slovakia, 12 weeks; Slovenia, 12 weeks; Spain, 14 weeks; Sweden, 18 weeks; Switzerland, 12 weeks.

615 England is the outlier by far in this with a 24-week abortion limit. It has consequences. If I flip to another section of my report; international abortion travel, you have got several reports and studies here, which the Cross Country Abortion Travel to England and Wales, which was public in *Reproductive Health* this year ... I have also got another article or research here, Gestation Age Limits for Abortion – A Cross-Border Reproductive Care in Europe, which is published in the BJOG, an international journal in obstetrics and gynaecology, in September 2020. So very recent pieces.

620 If I just quote from one of them:

In Europe, people who live in countries where the abortion is severely restricted or illegal altogether, lack access to abortion care entirely.

But as we have seen from the list I just gave you, most European countries do allow abortion and do support it.

But even people who live in countries with more liberal laws face barriers due to gestational age limits, waiting periods and a lack of trained and willing providers –

625 **Deputy Taylor:** Point of order, sir.

**The Bailiff:** Point of order, Deputy Taylor.

630 **Deputy Taylor:** I do not know if Deputy Meerveld is misleading the Assembly slightly here if he is suggesting that by increasing the gestational period to 24 or 22 weeks, whichever it may be, that we may somehow see some abortion holidays taking place. But if the abortion age limit is 24 weeks in the UK, I am not quite sure why anyone may – if that is the suggestion – come to Guernsey over going to the UK, where the flights are considerably cheaper. Thank you.

635 **The Bailiff:** Just a minute. That, Deputy Taylor, is not strictly a point of order, which is a breach of a Rule of Procedure. It might have been raised as a point of correction but I am not even sure it was a point of correction. It probably should have been an instance where you stand in your place, wait to see whether the speaker is minded to give way and if the speaker is, then make that interjection at that point. Deputy Meerveld to continue please.

640 **Deputy Meerveld:** I think on that basis, I will not be giving way.

Right, so I continue what I was saying. I am not in any way suggesting that we will have abortion tourism to Guernsey at all, and I will get to that point at the end of this. Existing evidence suggests that restrictions and barriers compel people from both countries with restrictive laws, as well as those from countries with more liberal laws, to travel outside of their home country for abortion services.

645 England and Wales are common destinations for people travelling within Europe to obtain abortion services. What I am saying is England is by far the extreme case in Europe. There is no other country in Europe that I have come across that allows 24-week elective abortions. This is not on medical grounds, this is, 'I have decided today I do not really want to have it.' It is not the example Deputy Roffey presented, where somebody who has developed an issue or Deputy Oliver, both of those could be either aborted or continued on an elective basis. As I say, sir, I will not be giving way. This is people doing it on an elective basis by choice.

650 Okay, so when we have dealt with the fact that England has, at 24 weeks, the longest elective abortion limit for a child, that is one issue. We have had mentioned several times in debate and Deputy Bury, in her opening yesterday on the *sursis*, mentioned about the most advanced medical evidence. Let me just find the right page to go to. So we are making our decisions based on medical practitioners' advice and everything else. As I have quoted before, the British Association of Perinatal Medicine says there is a 60% chance of a baby born at 24 weeks surviving and that was published in October 2019.

655 Let us look at the original decision, quoted by Deputy Leadbeater. I will go back to the UK Government website on this. The Human Fertilisation and Embryology Bill lowered the gestation limit for abortion from 28 weeks, which was on the 1967 Abortion Law, to 24 weeks. This is the currently accepted point at which the foetus is considered viable outside the mother's body.

660 That decision based on that evidence at that time was 1990. That was over 30 years ago. Now we are seeing medical advances on an annual basis. That has not been reconsidered. No evidence has been taken into account to look at changing that, for 30 years. Yet we are leaping from 12 weeks, which is actually the most common gestation period for elective abortions in Europe and most other countries in the world, and we are jumping to 24.

670 What we did not consider in the debate last year is whether England has got it right at 24 and the fact is they have not adjusted it for 30 years. Now, you cannot tell me that there has not been significant advances in medical care in 30 years that means that gestation period for a viable foetus should not be adjusted downwards.

675 **Deputy Leadbeater:** Point of correction, sir.

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

680 **Deputy Leadbeater:** Deputy Meerveld is talking about the viability of the foetus but, as I have pointed out before, about a small proportion of women, 1% of the total, have an abortion over 20

weeks' gestation and their reasons for doing so have nothing to do with the viability of their foetus. Nothing. And everything to do with their circumstances. Thank you, sir.

**The Bailiff:** Deputy Meerveld to continue, please.

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**Deputy Taylor:** Could I add a point of correction, as well, please, sir, and I think this is more of a point of correction.

**The Bailiff:** Deputy Taylor.

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**Deputy Taylor:** There seems to be lots of reference to the viability of the foetus being at 60%, I wonder if that is actually taking into account what happens 10 minutes after the birth? The foetus may survive birth at 22 weeks, but of that 60%, I think it would be important to know how many of those then die 10 minutes after, 20 minutes after in the delivery room or in the neonatal suite.

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**The Bailiff:** I am just going to remind Members, because it seems apparent that there might be a lack of clarity here, that Rule 17(11)(b), provides as follows:

A Member may interrupt another Member who is addressing a Meeting only on a point of correction in respect of an inaccurate or misleading statement made by that other Member.

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If any Member wishes to raise a point of correction, I would be grateful if they would identify what the inaccurate or misleading statement is and then explain why, rather than just interjecting. Deputy Meerveld to continue, please.

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**Deputy Meerveld:** Thank you, sir, I was not intending to bother going onto this but I will. Okay, let us take that point there. How long do they survive for? Well, for instance, of the ones born, under that same research from the British Association of Perinatal Medicine, only one in seven of those babies would be expected to have what they classify as severe disabilities. Six out of seven would not.

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If you go back to 22 weeks, as proposed by this amendment, it is still 35% will survive birth, but one in three will potentially have severe disabilities. The survival rate is still quite high but the disability rate increases quite significantly. But, still, two out of three would have what the British Association of Perinatal Medicine would call a severe disability.

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But it is interesting, if you look at other research, again, here I have Educational Performance of Children Born Prematurely. This was a study of children in Florida between 1992 and 2002. Again, this is 20 years ago, and basically a total of 301, 65% of Florida children born at 23 or 24 weeks' gestation were designated as ready to start kindergarten – effectively their primary school – at the regular age, five years old, who had been born at 23 or 24 weeks.

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With the age adjusted to take into account their earlier birth date, in comparison, 85.3 of children born at full-term were ready for primary school. So you are looking at 65% to 85%. So, you are looking at some that obviously have some issues that mean they are not ready for kindergarten, but not a dramatic difference. And that is for children born between 23 and 24 weeks.

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Right, okay, I am losing my track here from so many interruptions. So, yes, I will sum up. One of the issues I have with this legislation is the elective abortion limit. We have abortion from zero weeks to 40 weeks, locked into the Law, on the basis of foetal abnormalities and disabilities. There are questions around that as well –

**Deputy Bury:** Point of correction.

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

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**Deputy Bury:** It is not locked into the Law yet, it needs to be passed today.

**The Bailiff:** That is a very valid point, Deputy Meerveld. This is just the amendment to see what might be the Propositions that you will ultimately all vote on later.

735 **Deputy Meerveld:** Then the proposal is to bring into Law the ability to have an abortion based  
on medical issues from week zero to week 40, for the entire gestation period. That is not in dispute.  
But it is the elective abortion date, the date at which a woman says, actually I do not want this child,  
for whatever reason. We as a society have to look at and listen to the voice of a completely innocent  
unborn child that had no say in the equation. They did not have a say in being conceived but they  
740 have got to the point where they can survive outside the womb and at some stage we have to  
recognise that that life needs protecting to some extent as well and this is one of the issues I have.

Pretty much like Deputy Le Tocq, unfortunately it is not the only issue. So I will be supporting  
this amendment and sincerely hope that it goes through. But when it comes to the final legislation  
because the other issues and other concerns I have have not been addressed, we did not have the  
Falla *sursis*, I am unfortunately going to have to vote against the legislation in whole, despite the  
745 fact that I am pro-choice and would like to see the Law updated. Thank you, sir.

**Deputy Inder:** Sir, I would like to move 26(1), please.

750 **The Bailiff:** Will those Members who wish to speak in debate on this amendment, and this  
amendment only at this stage, please stand in their places? Deputy Inder do you still wish to invoke  
Rule 26(1)? So the motion is that debate on the amendment be closed, subject to the normal  
winding up of that debate, on the amendment, proposed by Deputy Inder. Those in favour; those  
against?

755 *Members voted Contre.*

**The Bailiff:** I will declare that lost. Deputy Soulsby.

760 **Deputy Soulsby:** Thank you, sir. I will be brief. I do think it is unfortunate to have a last-minute  
amendment on such a big topic. Like last year, we had months for this information to come out and  
Members were fully briefed and I think it is unfortunate that we just have something laid right at  
the last minute, where we are now having to go through the detail.

It is difficult at the same time when Deputy Meerveld makes such comments, which are  
information that has come out from nowhere. I do not know where his sources are, from what he  
765 said. Whereas everything that came through last term, they had the sources behind, all the statistics  
were provided, so that everybody knew which sources were reputable and which were not.

Hearing some Members who were not in the debate last year talk about how something does  
not feel right, they would feel more comfortable if it was less. But remember the 24 weeks has been  
taken, it is based on scientific evidence. Deputy Meerveld, talking about this is something from  
770 1990, there has been legal challenge against the 24 weeks ever since then. In fact, I think the last  
one was two years ago and clearly the decision was in favour of the current 24 weeks. It is also the  
recommendation of the Royal College of Obstetricians and Gynaecologists.

He talked about England is out of step. That is because the provision of services in the UK, when  
it comes to women's health, is really one of the best in the world. We are very lucky to be able to  
775 call on that when we need it and also the fact that our own consultants in Guernsey, I think that all  
of them are trained through the Royal College of Obstetricians and Gynaecologists So we have that  
shared expertise.

We get this amendment that says an arbitrary 22 weeks. Why wasn't 19 weeks chosen or 21-  
and-a-half? There is no logic to it. The 24 weeks has been determined by professional, scientific  
780 evidence. Remember, we are talking about a very rare number of conditions here. This hardly  
happens. It is not something where a woman wakes up in the morning and says, 'God, you know, I  
really do not want to have this baby, I am at 23 weeks, I will go and have an abortion.' It just does

not happen, believe you me. Any woman could say what it is like at 23 weeks when you are holding that baby.

785 Any baby born at 24 weeks it is going to be unwell, it is very likely to have to go to the UK and have intensive care treatment in Southampton. This is not like it is simply you give birth to the baby and it is going to be really happy and bouncy and you can take it to the park. These babies are born very prematurely and in very difficult circumstances and the mother and the baby have to go to the UK and they are lucky, if it survives many weeks when it comes back. These are rare situations.

790 These can be really dire situations as well. It is often for women who have been abused. It might be through people they do not know that have experienced violent domestic abuse. The difficult things going through a woman's mind at that point, knowing that she might be holding a baby which is not one that she wanted by somebody who raped her, and the mental anguish and difficulties on that are hard.

795 Talking about counselling, we are so lucky on this Island to have some brilliant counselling through Choices and other organisations, as well as our own mental health services and women's health services. That always pops up, we need to do more counselling. There is loads. We really do well here.

800 This is incredibly rare. It is not about ... the word 'social' abortion is used, but it gives a completely wrong impression of what women are going through at this particular moment in time. There are cases where choices cannot be made until that very last moment. We are lucky now. Yes, we are getting more and more information coming through and more and more means of being able to find out what is happening, but we do not know until quite late on. That is why the 24 weeks is relevant.

805 Deputy Le Tocq does make an attractive comment, let us follow 22, not 24, as a compromise. But we are talking here about medical, scientific evidence. If we compromise we are not following medical, scientific evidence. I know from the medical professionals themselves anything less than that 24 weeks it will be a concern to them and we will still have, as we have at the moment, because of where our Law currently is, we do have women having to go to the UK to have abortions that  
810 they cannot have here because it is illegal. I will give way.

**Deputy Le Tocq:** I thank Deputy Soulsby for giving way. It is just a point to make. I understand her point completely in terms of many medical professionals advising the limits for the UK. However, it is very clear and a substantive fact that that would be the same case for many countries in Europe, if not globally, advising obviously for lower limits. I do not know whether she thinks the British ones are better than the ones that advise other governments or what the reasons are for that. But it is not just a cut and dried issue of just listening to medics on one side.  
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**Deputy Soulsby:** I would say about from the UK I think that medical evidence has been taken. Some of the other countries referenced, I think Italy was one, Spain, others, I think are other reasons rather than just medical, scientific evidence that inform those abortion limits. We have seen that in Ireland, things have changed a lot, where the medical and scientific evidence is now being heard rather than those from the faith-based approach to what the limit should be.  
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825 I will just finish on what Deputy Gollop said about it looks like it might go down to 22 weeks in the UK. We have heard this might happen. There have been lots of challenges to bring it to 22 weeks for a long time. That has not happened. But it might. I totally agree, eventually, at some point, there might be a decision and the evidence might change to say, 'No, we think it is 22 weeks.' That is when we will be talking and hearing from Health & Social Care, who will say, 'Right, now, the best evidence that we have heard is it should be 22 weeks now and that is why we are proposing  
830 recommendations to change the Law to 22 weeks.'

That is not the state of play right now. It is 24 weeks. It is the best scientific evidence, which has been challenged over the years and the current point is the date based on science, not some arbitrary number, so I would ask Members please to reject this amendment, which has no basis in fact. Thank you.

835 **The Bailiff:** Deputy Gabriel.

**Deputy Gabriel:** Thank you, sir. I am speaking on the amendment only. I nearly always base my information based on facts and I feel a little bit hijacked this morning and that is the amendment has been laid with no notice and again the amendment is on the legislation, not in general debate. 840 Amendments in general debate I understand and do work, but the amendment on the legislation laying on the floor is not ideal in my eyes.

Because of that reason, I cannot support it. I like to do my research. I like to get my facts. I cannot put my hand on my heart today and know that, since the amendment was laid 58 minutes ago, that I have garnered all the facts relevant to the subject, albeit a very worthwhile subject. I mean it is not 845 like we are discussing something trivial, like life and death. But we are, and for me, there is going to be unintended consequences between the 22 weeks, the matter of the subject of the amendments, and the 24 weeks.

On that basis and on that basis only I cannot support the amendment. Other Members will certainly have their opinion and may have managed to gather their facts but certainly I have not 850 been able to gather enough facts to make an informed decision on the amendment, so on that basis I will be rejecting it. Thank you.

**The Bailiff:** Deputy de Sausmarez.

855 **Deputy de Sausmarez:** Thank you, sir. Just to follow on from the point that Deputy Gabriel makes, I just want to reiterate the governance point that amending legislation on the floor of the Assembly is really not good governance, as a general rule, especially when, as Deputy Gabriel points out, there has been no prior notice.

One of the important factors behind that is there has not been a chance for consultation on this point, so this will not have been, not just the fact that it has not been through the LRP or anything 860 like that, but it has not had a chance to go through any consultation process with the relevant medical professional bodies and Deputy Le Tocq made the point, in Deputy Soulsby's speech just now, that maybe the British medical professionals have got it wrong in the grand scheme of things. Well, the Guernsey medical professionals are governed by the same governing bodies. They are, 865 essentially, part of that UK health ecosystem. So, I think we do have to respect that and I am very uncomfortable with the idea that we would put straight into legislation a date that has not gone through any of that due diligence in terms of consultation with the relevant governing bodies and I think it is also just ... I commend Deputy Le Tocq, though, actually, because he has been very honest. This is an arbitrary figure that has been essentially sort of plucked out of the air for this 870 amendment and he has been very honest about his reasons for supporting that and I think that is legitimate.

But I think it is also worth reiterating the point that Deputy Leadbeater has made and I think we do need to de-conflate these issues to an extent of foetal viability and this particular limit because, 875 as Deputy Leadbeater rightly points out, this has got nothing to do with foetal viability, really. It is everything to do with the circumstances of the person carrying that child, that foetus. So, I think for that reason, I think I cannot support this amendment to the legislation and I hope that the majority of the Assembly agrees with me.

**The Bailiff:** Deputy Brouard.

880 **Deputy Brouard:** Thank you, sir. I understand that we are going through a bit of a nirvana in the Assembly, that we are going to be starting – I do not know when – but we are meant to be starting to engage with committees before we lay amendments etc. I do not know whether I missed the memo or something like that but again we have it again today. I would like to ask Deputy Gollop, 885 when he sums up, what engagement he has had in the last 58 minutes with the Health & Social Care Committee? It is just absolutely bizarre.

I am going to go on two tracks and I am very much following the same tracks that Deputy Soulsby has done. What is a compromise? Guernsey always comes up with compromise. Should we have 23 weeks? Because it is not as bad as 24 but it is different from 22. It is just bizarre. These are very serious matters. A lot of work is being put in.

If you were concerned, back when we had the debate to formulate the Law, that 24 was the wrong figure, then have the consultation. Bring that requête. You have had a year to do it. Do not give me 58 minutes to come up with a new plan. You have had a year. That is your responsibility. Take it seriously. If it really is important to you and you think it is wrong, then work at it beforehand. Do not come to the floor of the Assembly on the last minute to amend legislation on the hoof. It is not good governance.

Also, the second part of the trap I want to touch on is we are aligning ourselves on this issue with the UK. Where do we get the majority of our doctors from? The UK. Where do we follow best clinical practice? From the UK. Where do our staff go for training? In the UK. And we are going to then have another anomaly that in Guernsey, oh, it is 22 weeks here, sorry, stop.

Of course, as Deputy Roffey just mentioned in my ear, we will then have people who will then have to travel to the UK when they have those really dramatic situations when, really, that is the last thing they want to be having to do. So please, I implore you, this is not the time to be tinkering with the legislation in front of you. As I said, the Law unamended reflects the best clinical practice that will provide effective and safe standards of care for women, who wish to have an abortion. Thank you.

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, the point about having time limits on the submission of amendments for legislation is for very good reason and others have already touched on this. The need to consult with the Committee. We would have had the benefit of advice from the Committee had this been lodged in good time and Deputy Gollop, as father of the Assembly, and as a Member of the Legislation Review Panel, as a former chair of the Legislation Select Committee, is very well aware of this and has had plenty of time to move this amendment and really has absolutely no excuse for not doing so.

Now, I do understand those Members of the Assembly who voted to suspend the Rules to allow this debate to happen, even if they have no intention of supporting the amendment, but I would discourage them from doing so if there are any further amendments brought during this debate to amend this legislation, which based on the last debate we had on this issue, is quite possible.

The reason has been set out by others and I will not repeat it in terms of us seeking to make Law on this issue on the hoof by consensus and seeking to find some kind of compromise. We have to be working on this issue, of all issues, surely, to specialist knowledge and, in our case, notwithstanding Deputy Le Tocq's point that there will be other advice from other people in other jurisdictions, in our case, we have received that advice from the Director of Public Health and her team, together with the presentation that we had at the time of the policy letter from Professor Lesley Regan, and they have comprehensively provided us with all the experts' perspective as to why these changes are necessary and the limits are right.

Deputy Soulsby referred to those many experts yesterday and I think the main point I wanted to rise to respond to Deputy Gollop on was this. When he laid his amendment, he struggled to find his words but he was trying to argue that the amendment was more medically and obstetrically based and, he claimed, in accordance with medical ethics.

Well, I am sorry, in making that argument, I think he was wholly misleading the Assembly, because we know that from Deputy Soulsby's very comprehensive list yesterday of all the professionals who have had input to the development of this policy, including medical ethicists, so we know they will have considered this question of this term limit at some length before recommending it to us. So, I would strongly urge Members not to be tempted to accept this amendment because it feels about right or it feels like a compromise. On this issue, we must follow



940 the expert advice that we have received and we have had, as Deputy Brouard said, no opportunity to receive any advice on this particular limit.

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

945 **Deputy Dudley-Owen:** Thank you, sir. I was reluctant to rise and speak during this debate but Deputy St Pier has brought me to my feet. Deputy St Pier, last year, did exactly this, in the same way that Deputy Gollop has done. Not quite so quickly and maybe better researched, but he amended legislation to the Sexual Offences legislation in exactly the same way.

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

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

**Deputy St Pier:** Sir, that amendment was submitted in accordance with the time limits.

955 **The Bailiff:** Deputy Dudley-Owen, that is a fair point from Deputy St Pier.

960 **Deputy Dudley-Owen:** It may be a fair point, sir, absolutely. However, he still amended legislation in a similar way. So I would contend that actually, whilst this is not the ideal way; in actual fact this flies against the face of all the principles of governance that I agree with, that actually it may be a bit rich, Deputy St Pier's criticism of the way in which this has been done.

I do not like this type of amendment coming forward, which catches us on the hop that confuses people. I had to look a few times at the amendment and I have sat here with Deputies to my right and left asking just for clarification because it is not entirely clear whether we are looking at elective or whether we are looking at medical.

965 I have that clear in my mind now and I am sure that other Members will be slightly confused about this, Members who were not involved in the debate last year to the extent that many of us were. I am sorely tempted, however, despite this flying in the face of the principles that I agree with on good governance, to vote in favour of this amendment, because I do not know if my conscience will allow me not to because I really disagreed with the 24 weeks last year.

970 I will not be voting, I am afraid, for the Law, on our new Abortion Law, in the final vote, because of that element. I agree with everything else in it but because of that element I cannot vote for it, for which I do apologise to the many people out there who do want us to vote through this legislation. But I am afraid that that is such a big issue for me, it prevents me from supporting all the other good elements in there, which I will be pleased to see, but I know others in the Assembly might, like me, feel exactly the same.

975 So, I am still wrestling about whether or not I will support this amendment because it is sorely tempting and I sit very closely with Deputy Le Tocq in my views on this particular matter. This is not a matter of faith for me. This is a mum of three children, multiple pregnancies, having spoken to many other mums out there, many other people in our community, who just do not feel comfortable with the 24 weeks.

980 Now that is based on our feelings. Based on the scientific fact, I find it hard to reconcile that progressive and liberal societies like New Zealand, brought in their abortion laws last year. They also followed scientific, medical advice and fact. So, why is our scientific, medical advice so different from theirs? I cannot square that circle and it has not ever been sufficiently squared for me.

985 So, I will sit and I will continue to wrestle with my conscience as to whether to vote for this and know this was what I really wanted, or whether out of principle of good governance, that I should vote it out, on that basis. So, thank you very much, sir.

**The Bailiff:** Deputy Ferbrache.

990 **Deputy Ferbrache:** Deputy Dudley-Owen and the mums that she refers to, they do not have to  
and people of that mind they do not have to adopt and take a choice that other women might want  
to take. They might want to take this choice up to 24 weeks. One thing I have not heard from any  
of the speakers on any of the topics is what about the poor people? What about those who are in  
a difficult position and end up having to resort to sleeping on a park bench in Southampton  
995 overnight because they do not have the comfort, the financial support, the emotional support of  
other people? Think about them. Because the rich people can always go where they like, do what  
they like. The poor people cannot. We have heard lots of middle class people; nearly everybody  
who has spoken today has been a middle class person putting a middle class view. Not many have  
put the working class view. Not many have put the working class view, the view of the ordinary  
1000 person.

I do not find this amendment acceptable at all. It is 'Let's do something as compromise.' It is a  
poor compromise. Deputy Le Tocq said, he quoted me accurately – well done, in relation to what I  
said in the assisted dying debate. I have changed my mind on many things over many days, not in  
relation even to the advice, though, that was given to me by Deputy Trott yesterday and in fact it  
1005 aggravated the situation and the summons would be going out earlier! Never mind, I still accept  
that was a point he was entitled to make.

In relation to this, there has been no change in the scientific advice, as far as I am concerned.  
There has been no change in the clinical advice, so therefore it does not cause me to want to change  
something. To say that we should not be liberal in relation to matters of this nature is something  
1010 that I find very surprising indeed.

Now, I appreciate it was on a different point, I fully appreciate it was on a different point, there  
was a child that was potentially going to be disabled in relation to the speech that Deputy Roffey  
made, but at 22 weeks, I think he said 22 weeks, the lady had a scan. Now that scan turned out to  
be a good scan and the child was born, it was a healthy scan, that was wonderful.

1015 If that timetable had been compressed and therefore we should be reluctant about compressing  
any timetable, that happy, healthy human being, who has given, no doubt, joy to his or her parents,  
would not be alive. So, therefore, we should be – and I make no apology – we should be as liberal  
as we can.

I have heard too many people over too many times say, 'we are liberal', when in fact they are  
1020 illiberal. So therefore this amendment, without any notice, without any discussion with Deputy  
Brouard or his colleagues, without any medical research, is a flawed, poor and insubstantial  
amendment.

1025 **The Bailiff:** Deputy Dyke.

**Deputy Dyke:** Thank you, sir. I thank Deputies Gollop and Blin for bringing their amendment. I  
do appreciate that this is not the best way to do business. It is one amendment to address one  
point. To my mind there are five points that need fixing in this Law. I would have brought  
amendments myself but I had assumed, and obviously make no assumptions, that Deputy  
1030 Meerveld's *sursis* would have closed this and we would have gone back and re-thought.

So, speaking just to this amendment, I think one can talk too much about the science. This is a  
political, a personal, a moral decision on this number of weeks. The science can inform us but, as  
has been pointed out across Europe, the science seems to inform 12 weeks. As to the experts,  
Members will know that a proposal was to be brought in the London House of Commons to extend  
1035 fully abortion up to 40 weeks and that has recently been pulled because of general outrage at the  
concept.

But in that the Royal College of Midwives supported that, full rights to abortion up to 40 weeks,  
and then we find that hundreds of midwives say they did not support it. So you cannot take these  
organisations and just do what they say. You have to make your own decisions. To my mind, 24  
1040 weeks would be too late, for the reasons given by various people. So I will support this amendment

to 22 weeks. But I will still vote against the Law because there are four other things that really need dealing with. Thank you.

**The Bailiff:** Deputy Blin.

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**Deputy Blin:** Thank you, sir. To be direct, my comments will follow on the viewpoints of Deputy Dyke. I appreciate I am a new Deputy and from a governance point of view I do feel this is not the best way of doing it and I am learning as we go along. But there was a reason why I wanted to second this amendment. When Deputy Meerveld and Deputy McKenna raised the *sursis*, this was exactly to cover all those other points. It was not to stop, it was to really ensure some of those aspects are right.

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I have listened to the term liability and the termination and the 24 weeks and the reasons why and everything else there but I am honestly looking at this from conscience but it is actually just the reality of the youngest recorded survival is 21 weeks and one day, that child can survive. So if this is only – and I appreciate compromise is not the way to do politics but maybe sometimes in business and this is not business – if that gives one child the ability to survive and to become someone great from the list of names bandied around from the Hugos and Twains and everything, then that would be great.

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The dilemma I have, and I will be very sort of open here, is that if this amendment were to go through and it allowed this date to change and the date, in my opinion, would have been 20, but in very few minutes' discussion we appreciate it is not a scientific or technical, but it is in line with saving life, where life is no longer about viability but about real life.

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So, this is compromise. I know there are so many other elements wrong. I know that Deputy McKenna had much more listed, and Deputy Meerveld, but it is something to get to help to go through. So, I appreciate the governance, I appreciate the discussion of medical facts and viability but here it is in a human form too. Thank you.

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**The Bailiff:** I am going to turn next to the Vice-President of the Committee, Deputy Bury, to reply to the debate on behalf of the Committee, before returning to Deputy Gollop. Deputy Bury.

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**Deputy Bury:** Thank you, sir. Is there a doctor in the house? I do not think there is a medical doctor in the house. That concerns me greatly. There has been much talk about bad governance. It is not 'not good' governance, it is 'bad' governance. But more so than that, not just amending legislation on the floor of the Chamber, we are actually dictating clinical practice and that seems highly inadvisable. I am not sure how many of us here would want to be entering into the PEH for any manner of procedures that had been dictated by us here.

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So, I am going to cover many points that have been covered but I think it is important that they are reiterated at this last point. So, 24 weeks is not a time plucked out of the air, as 22 or 20 is. It aligns with the UK and the Isle of Man and it is based on the latest scientific evidence. As has been mentioned, and one of the main reasons for the update of the legislation, the actual driving factors behind it, is the fact that our local medical professionals were having to operate outside of the best clinical practice of their registration bodies. So this amendment undoes all of that.

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As has been mentioned, it was the Royal College of Obstetricians and Gynaecologists that advised policy makers to bring the gestation period down to 24 weeks, previously. It has been some time since then, as Deputy Meerveld mentioned. There seemed to be some implication that perhaps the Royal College of Obstetricians and Gynaecologists have just been sitting around doing nothing for 30 years but I am pretty sure that they will have been keeping an eye on the most recent evidence and hopefully, as people say, when we go forward that is something that we will amend, if that becomes the scientific evidence. As Deputy Soulsby said, that is not where we are today.

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The update to the legislation is not just about aligning. I mentioned in my opening, quite some time ago, that we have inadvertently created a two-tier, inequitable system in our Guernsey health care system. A woman who has the means and ability can access the UK service for a later

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termination than the 12 weeks that currently stand in Guernsey. A woman who has financial or other social barriers, often them being one of the most vulnerable women in our society, cannot do that.

1095 So, one of the fundamental principles of the Partnership of Purpose, which as most of you will know is the document that we guide to HSC's plans, is an equitable and safe access. So, I am just going to move on, actually, now and I am going to have to try and be very careful around this. I did call for respect at the start of this debate and unfortunately I do think we have veered, some speakers have veered out of that.

1100 It is not possible for us to imagine and, more importantly, understand all of the circumstances why a woman might find herself in need to end a pregnancy at a later gestation period. The terminology social abortion is highly inadvisable. (**Several Members:** Hear, hear.) I think to demonstrate that point I did send a report around late last week from the British Pregnancy Advisory Service but I am going to read a few examples or real clients of theirs and their report is titled Why  
1105 Do Women Need Abortion After 20 Weeks?

Client lost her partner to a serious illness just a few weeks ago. Suffers from complex mental health issues and has a physical health condition, which means this pregnancy is high risk.

Client has children and both her parents have recently been diagnosed with serious illnesses. She could not cope with another child now.

Due to recent domestic abuse, client felt unable to cope emotionally or physically with the pregnancy. She has a number of other children and a complex medical history, including lasting physical complications from the attacks by her partner. Client suffers severe epilepsy and seizures, which got worse during her pregnancy. She already has children. She required a termination in a hospital setting due to her medical needs and had to wait four weeks for the procedure.

Client had been raped. Police describe her as extremely vulnerable. She is living in an area of the country where late abortions are not available. Logistics and preparation needed to travel across the country for care are intensely challenging. Treated on the last day of upper limit.

Client confirmed blood clot on her brain and was advised at 21 weeks that there was a serious risk to health of both mother and baby if the pregnancy continued.

Client had to be treated in a hospital setting due to complex health problems.

These types of abortion are for the health of women and their existing children. They are not social. A woman may present later than 12 weeks but earlier than 24 and as those cases demonstrate, the care that is needed can be delayed by her specific medical requirements or the  
1110 capacity of the health system. Matters that are completely out of her control. All of that said, the numbers of pregnancies that are ended at around the 24-week gestation period in the UK is 1%. If you translate that to Guernsey, I am not going to spout figures, but 1% of the UK is much less here, as you would know.

1115 So, 88% of terminations are performed prior to 10 weeks, showing that an extended period being legally available does not mean that people just access care later because they can. It is just that those that need to do so, often the most vulnerable, can.

1120 Right, I have just got to refer to a few different documents here, so please bear with me one second. The figures that have been quoted by a few speakers are quite misleading. So, from the same reports, the British Association of Perinatal Medicine, in October 2019, 486 babies were born at 22 weeks. Only 183 of them were born alive; 155 of these died in the delivery room, leaving 28 being admitted to the neonatal unit. Only 15 of these survived to one year old. This demonstrates that only 3% of babies born at 22 weeks survived to one year old with significant morbidities.

1125 For 23 weeks, only 19% survived to the age of one year and more might die in infancy. Of 656 total births, with only 456 of those being born alive, a further 26 of the 456 die in the delivery room and the remaining 430 are admitted to neonatal care; 160 of these babies die before the first year of life, leaving 270 of the 656 alive at one year old, which is 41%. This is why the age of viability is 24 weeks.

1130 I am just going to check that I have covered all the points in this because I really do not advise that we support this amendment. It is an arbitrary gestational limit, which is not based on scientific evidence. Commenting in December 2019, the Royal College of Obstetricians and Gynaecologists, said:

Restricting access to abortion care at arbitrary gestations, before 24 weeks, only resolves to create barriers for women.

1135 As mentioned earlier, given the evidence in England and Wales, very few abortions will occur in the Bailiwick beyond 16 weeks and up to 24 weeks of gestation. However, it is likely that abortions that may be performed during this period are likely to be for some of the most vulnerable women in the community. Allowing women in the most difficult circumstances to have more time to decide whether they wish to continue with their pregnancy does not encourage others to delay seeking care.

1140 Therefore any restrictions in place before 24 weeks are likely to have a detrimental impact for the most vulnerable and disadvantaged women and we are talking about women, victims of domestic or sexual abuse, or those experiencing social or economic deprivation. These are the women who are more likely to present at later gestations.

1145 So that in mind, I will just go back to my point at the beginning and it was a point made by Deputy Trott yesterday, that the update to the Law was brought to the Health & Social Care Committee by the local medical professionals, asking us to ensure that they could perform best clinical practice. Thank you, sir.

**The Bailiff:** Deputy Gollop, the proposer of the amendment, to conclude the debate.

1150 **Deputy Gollop:** I echo what I think I heard Deputy Trott say, that was a very well said speech. We have had some excellent speeches on all sides today. I do apologise for the lateness of the amendment. Deputy Brouard is right. I did not even give him 58 minutes of consideration. But what I would say is whatever we say or do now, 58 minutes ago, or 58 minutes' time, the Guernsey Abortion Law will still be the 1990s Law.

1155 Many successive States and boards of Health & Social Care have worked with the old Law, even though, as has been very clearly demonstrated today, it was at significant variance with the England/UK law. And yet it continued. So, actually, what I am proposing here, far from an ultra-conservative measure is itself quite radical because we are going up from 12 weeks to 22 weeks and I think that point should be made.

1160 Various senior States' Members were saying that this was poor, unsubstantial, under-researched law, poor governance and so on. Yes, that is correct, although we have seen in the past other amendments to legislation, albeit in a different context. But we do have an issue regarding, I think, legislation in the Chamber. I have mentioned this to Deputy de Lisle, Deputy Dyke and others, of course. Although we have a Legislation Review Panel, it does not, nor should it under its current mandate, consider the advisability of changes to legislation. It is generally limited to the credibility of the legislation in terms of construction and whether it fits the spirit and Resolutions of previous States' decisions.

1170 So it would not have been appropriate, actually, for the Committee to have considered as a Committee whether 20 weeks, 22 weeks, or 28 weeks was appropriate. And unlike the States of Jersey we do not even have second or third readings of legislation. Somebody said there had been no significant medical or scientific changes over the past year, apart from the fact we are living through an extraordinary time of the COVID issue. But of course we have had a political change. As has been mentioned, we have had 19 or 20 new Members of the Chamber so that, in itself, is a reason to reconsider these matters. Although nobody had notice of this – well I did send a few Members a draft of it yesterday afternoon – in reality we have had the Law for several weeks, in front of us, and we more or less knew what it would contain, based upon the Resolutions of the previous States. So, really, Members should be acquainted with these ideas about the 24th week, the 22nd week, and so on.

1180 I agree that for many Members this is not ideal because they possibly would like to vote against, or will vote against, all of the Law for different reasons. But I would question some Members, though, like Deputy Soulsby, who said it was based upon no scientific evidence. It might not be reputable sources in the sense that Health & Social Care and the medical profession can rely on but this is

another article, for example, on this matter, dated October 2019, on the internet. You always have to be wary of these things but it says a review by the British Association of Perinatal Medicine ...

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... determined that advances in medical care can help babies who were previously believed to be destined to die. In the past it has been recommended it was better for 22-week premature babies to not be resuscitated but thanks to improved nutrition, better infection control and well-trained medical staff, this is no longer the case. Some babies born as young as 22 weeks, not 24, will now receive medical care in the UK as doctors in the nation have decided to lower the age of viability for premature babies, but only those who meet certain requirements.

Now, it is possible in 2019 to save babies who could not previously have survived. This is a quote attributed to Professor Dominic Wilkinson of the University of Oxford. That is fantastic news but he claims the very high risks mean that it is not always the right thing to do to provide intensive medical treatment.

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Yes, there are stories of young children surviving at 21 weeks. That is the rationale for 22 weeks, yet there is a small – admittedly small – but growing number of babies who can survive at 22 weeks. Now, I have to bow to the knowledge and the excellent speech Deputy Oliver made about mothers and scans and issues because I have no knowledge of being a mother or of babies. So, in that sense, I am at a disadvantage and I know certainly some of the demonstrators yesterday would go as far as to say that men, especially middle-aged bachelor men, probably should not speak or vote on this kind of issue.

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Nevertheless, we do have a duty, in terms of legislation, to be clear about what we are wanting to achieve and I have listened carefully to Deputy Meerveld's speech and we could perhaps further research all these countries of the world and States, with their different time limits, but I would concur with Deputy Dyke, I think, that actually some of the reasons why countries are different are not exclusively down to medical or scientific issues but for political, religious, moral or other reasons.

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We have heard from several speakers, Deputy Leadbeater, Deputy Soulsby, to a degree Deputy de Sausmarez, and Deputy Bury definitely, that many of the late-term abortions are carried out for social reasons and there is perhaps a poverty gap, there is a lack of equity between richer people and poorer people, because richer people can travel and poorer people have a much lesser range of options. I am very mindful of that. I sit on the ESS. But I think the question of funding and supporting less fortunate people, less fortunate women and the girls in our society, is a different matter from the Law about the time, because the time ...

1205

1210

**Deputy Roffey:** Can I ask Deputy Gollop if he is seriously suggesting that we should not legalise up to 24 weeks but we should provide financial assistance for those who cannot afford it to travel to the UK to have a termination because their law is more generous?

1215

**Deputy Gollop:** Not specifically for that reason but if there was ... we should do that anyway. If the Guernsey health services cannot provide such a service over 12 or 16 weeks, that should be principle. I think the funding issue is different from the term issue because, let me put it another way, in England in the 1980s, it was possible legally and medically to have an abortion at 25, 26, 27 weeks, because it was 28 weeks. That was changed.

1220

Now, I am sure many of the women who had abortions in the 1970s and 1980s, when it was legal, did it for very valid personal, psychological and the kind of very powerful arguments Deputy Bury put across where somebody has been abused in a relationship or is at the end of their tether, as Deputy Roffey said in a different context, out of their mind. But it was reduced. So the arguments of why people might go for a late-term abortion was discounted in the UK when they went from 28 weeks to 24 weeks.

1225

So, there has to be a balance between the rights of the potential baby that is a human being and we, all of us, would defend the right of a baby that was born at a later stage to live, regardless of the social situation of their parents. In fact, we would act as a corporate parent and we would be safeguarders.

1230 So that is somewhere a boundary between entirely supporting the mother, regardless of her income or circumstances, and supporting the baby when the baby is born. As far as I can perceive it that area is more likely now and in the future to be 22 weeks rather than 24. I do not think we would be supporting 28 weeks today. We know we would not, in fact.

1235 So I do hope I have handled the debate in a respectful manner. I do not agree with some of the terminology some other Members have used but I think, not just out of a state of compromise but out of a state of awareness of changes in medical technology in foetal viability, in the advancement of science and in the interests, as Deputy Blin so passionately said, about maybe just one or two babies having a chance to survive, I would say vote for this amendment.

1240 **The Bailiff:** Members of the States, we come to the vote on the amendment proposed by Deputy Gollop and seconded by Deputy Blin.

**Deputy Kazantseva-Miller:** Could I ask for a recorded vote, please?

1245 **The Bailiff:** And there is a request for a recorded vote from Deputy Kazantseva-Miller and therefore, Greffier, we will have a recorded vote please.

*There was a recorded vote.*

*Not carried – Pour 12, Contre 27, Ne vote pas 0, Absent 0*

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

1250 **The Bailiff:** Members of the States, in respect of the amendment proposed by Deputy Gollop and seconded by Deputy Blin, there voted Pour 12, Contre 27 and therefore I declare the amendment lost and we resume general debate.

**Deputy Inder:** I am going to attempt a 26(1) but this time it will be by a recorded vote.

1255 **The Bailiff:** Members of the States, will those who wish to speak in general debate please stand in their places? Still 26(1)? Rule 26(1), to close debate on this matter, subject to the normal right of reply to the Vice-President of the Committee and there has been a request for a recorded vote on this motion so, Greffier, we will have a recorded vote, please.

*There was a recorded vote.*

*Not carried – Pour 17, Contre 22, Ne vote pas 0, Absent 0*

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

1260 **The Bailiff:** Well Members of the States, the voting on the motion pursuant to Rule 26(1) proposed by Deputy Inder is that there voted 17 in favour, 22 against and therefore I declare the motion lost.

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

1265 **Deputy Dudley-Owen:** Thank you, sir. I wanted to stand up early. I will not be long in this because I want to apologise unreservedly for any offensive language that I may have used. when I stood up previously, in using a term, which I actually meant to use, elective abortion. It may have been insensitive. It is a term that I picked up that medical staff I have spoken to have used and I do realise that that may have caused offence to some people, so I do apologise if any has been caused.

1270

**The Bailiff:** Deputy Meerveld.

1275 **Deputy Meerveld:** Thank you, sir. Right, to address the specific sections of the Law and the issues I have with them. If we look at Section 2, decriminalisation. There are moves around the world to decriminalise the act of abortion. But in most places you will find that where they are doing that they are looking to decriminalise up to the elective abortion limit.

1280 If you take the case of Australia, they have recently decriminalised a law that has been around for 119 years – they did this in September 2009 – criminalising abortion. But when they decriminalised it, which was lauded as a major step forward, they decriminalised it allowing up to 22 weeks as the latest date at which they agree that elective abortions should happen. So if you actually read from the legislation or from the report on the legislation:



Women and pregnant people are no longer at risk of prosecution for procuring their own abortion and doctors are able to perform an abortion after gaining informed consent up to 22 weeks.

Again:

After 22 weeks of pregnancy abortion must occur in a hospital or approved health facility, facilitated by a specialist medical practitioner who has consulted with another practitioner.

1285 So, they have got the two doctor clause where you have a double consultation. They allow abortions after 22 weeks but that decriminalisation only happens up to 22 weeks. Now the British Medical Association has written four papers on this: The Law and Ethics of Abortion, in September 2010; The Removal of Criminal Sanctions for Abortion, I do not have a date on that one; Decriminalisation of Abortion, a Discussion Paper, February 2017; but in every one of them they  
1290 make a statement. The policy does not call for an absence of regulation. Limits could still be set but they would be subject to professional and regulatory rather than criminal sanctions.

They also give an example. At 30 weeks, when they give a practical example, it is what might this look like in practice.

At 30 weeks' gestation Nadia finds herself in a situation where she does not know how she will cope with a baby. After becoming pregnant her partner has become increasingly abusive and the relationship has now broken down. She has also lost her job. She feels isolated and desperate. She visits her doctor and asks the doctor to end her pregnancy.

1295 Very similar to some of the examples that Deputy Bury was giving us. It says after that:

In the event that criminal sanctions are removed, limits on third trimester abortions can and we anticipate will be maintained as they have been in other countries that have decriminalised abortion.

So, again, I am absolutely in favour of decriminalising abortion up to the elective gestation period. I will give way to Deputy McKenna.

1300 **Deputy McKenna:** It is just an observation, Deputy Meerveld, and if I could just say to the Bailiff, in a debate that holds life and death, there are 24 of us left in this room, out of 39. Fifteen obviously are not concerned about this matter at all and they have left. You are discussing life and death and 15 do not have the courtesy to hear what you have to say that may influence their decision. They have made their decision. There are 15 already made their decision no matter what you say and I  
1305 find that inconceivable in a democratic Assembly that we do not have the courtesy, that 15 leave when you are trying to make your point on a matter of life and death.

**A Member:** Hear, hear.

1310 **Deputy Meerveld:** Thank you for that interjection. Yes, it is unfortunate. Anyway, as I go back to that, my point, decriminalisation, I support decriminalisation. I support decriminalisation up to the end of the elective period. But after the elective period there needs to be some controls or responsibility imposed on the individual carrying the baby for that nascent life that is a survivable child. At what point do we start considering that issue?

1315 So, I would not mind decriminalisation but it needs to be within limits or there needs to be, as the British Medical Association suggested in their four papers on this subject, there needs to be some kind of sanctions or regulations after the elective period ends, just as Australia has done.

Moving on to Section 6. Section 6 is the part of the legislation that refers to, if I can find the right part:

1320 This Law amends Section 5 of the principal Law to restrict and regulate the right to conscientious objection ...

And later on in that paragraph it says:

Finally, it authorises the Committee for Health & Social Care to make regulations to further restrict or impose conditions on the right to conscientious objection.

1325 So apparently, the protestors on the steps of the Assembly yesterday were shouting, 'my body, my choice', but apparently we are trying to regulate against others who would be equally right to shout, 'my conscience, my choice'. There is a serious question whether that be even human rights compliant, trying to block conscientious objectors or restrict them in exercising their conscience.

1330 If I move on to Section 4 of the Law, this is relating to, obviously, the 24 weeks we have just had a debate on. Many examples were given of why women might want to have abortions after the 24 weeks, sorry, up to the 24 weeks. But a lot of those examples of why we need a longer limit for elective abortions included women who had physical issues or the foetus had physical issues that means they would still be –

**Deputy Bury:** Point of correction.

1335 **The Bailiff:** Point of correction, Deputy Bury.

**Deputy Bury:** They did not, sir. They were health issues of the woman, not any anomalies or abnormalities with the foetus.

1340 **Deputy Meerveld:** I do not take that point of correction in that I said there were many examples given in the debate. Are you referring to every example, the one from Deputy Oliver and, sorry, through you, sir, is Deputy Bury referring to the examples given by Deputy Oliver and Deputy Roffey, etc.? I do not believe so.

1345 There are issues where on medical grounds the Law still states 'if there is a substantial risk of significant, physical or mental impairment' the abortion can be conducted right the way up to the point of birth, full term, of a pregnancy. There is no restriction on that if this Law goes through. I support that but I do have questions about the viability at 24 weeks.

1350 The other issue I have with, Section 4, in Section 4 I think already a case has been quoted of the three ladies in the UK of taking the issue to the High Court, who are ladies suffering from Down's Syndrome and they are asking the High Court to make a decision on whether the UK Law breaches human rights regulations due to discrimination against the unborn child on the basis of disability. Again, our Law, I will read from it, if there is a 'substantial risk of a significant physical or mental impairment'. There is no definition of that. That is up to the discretion of how you interpret it.

1355 If the *sursis motivé* had gone ahead, one of the things I would have been looking for is consultation on that to define exactly what constitutes significant physical or mental impairment. I believe there is potential discrimination here where we are saying, we had two debates last year in June and July, 21 days apart. On one debate it is the usual end of term rush to get things through and be seen to have done something before the election, where we have massive debates on significant issues crammed together where each Committee brings forward the work they have been doing during the term and desperately tries to get it signed off before the end of term.

1360 It puts an immense amount of pressure on all the Deputies to be able to make informed decisions on these difficult issues. But there were two debates, 21 days apart. One was the Abortion Law, the other one was the Anti-Discrimination Law. In the Anti-Discrimination Law, the first Proposition says it would be illegal to discriminate against someone on the basis of disability and yet 21 days later we approved something that has now resulted in a Law that says you are able to discriminate against the unborn child based on disability. A discriminatory abortion.

1370 In other countries in the world they are putting in legislation against exactly this kind of discrimination against the unborn child. I will not be giving way, sorry. Again it raises human rights issues. I deeply regret that in debate yesterday we were not able to air all the issues we have and that prevented, I believe undermined the ability to garner support for the *sursis* because in the amendment debate we have just had Deputy de Sausmarez saying there has been no ability to debate or consult on the amendment laid by Deputies Gollop and Blin. That is great. If we had

approved the *sursis* that would have been included. We could have gone and done that consultation.

1375

**The Bailiff:** Deputy Meerveld, the arguments advanced in support and against the *sursis* were dealt with yesterday. It is not relevant to the debate today on the Proposition.

1380

**Deputy Meerveld:** Okay, let me phrase it differently, then, sir. If consultation had been done on the issues raised by the amendment on the gestation periods that we have just discussed, I will not be able to support this Law, unfortunately, despite the fact I am pro-choice and the fact is I support amending the Law, I regret that I will not be able to vote for this Law because, unfortunately, we have not gone through the consultation process that was proposed in the *sursis* and this was exactly why it was laid. Deputy Brouard brought up the suggestion that Deputy Gollop should have –

1385

I will give way to Deputy Dyke.

1390

**Deputy Dyke:** Thank you, Deputy Meerveld. Sir, can I ask you, is there a possibility that this debate is deferred over to Monday, during which period, four or five crisp, specific amendments could be prepared over the weekend, to be presented and voted on one by one on what I perceive to be four or five points in this Law? Would that be possible if the Assembly approved?

1395

**The Bailiff:** Mr Comptroller, I am not asking you, I am just drawing your attention to the fact that I am going to ask you something. We are mid-debate on Propositions that are still in play. A motion to effectively suspend debate, as it would be, on this Article of Business, I think in theory could be put, would be tantamount to adjourning to later in the Meeting, because if it were to be to move it to another Meeting, that would be a *sursis* and there would have to be a fresh *sursis* prepared. So the best that could be done would be to defer the business to later in this Meeting. Are you content that that is the option that exists and how would that be done?

1400

**The Comptroller:** Sir, I think it is an option. I think there needs to be a motion put to Members asking whether they are minded to defer debate until later on in the Agenda. I think it could be done on the basis the States can do, with a majority, other than the special things referred to in the Reform Law, what they want in relation to procedure.

1405

**The Bailiff:** Is that an appropriate use of the give way Rule? Because the give way Rule –

**Deputy Meerveld:** Sir, I can probably circumvent that –

1410

**The Bailiff:** Deputy Meerveld, I am not inviting you to speak at the moment. I am trying to sort out procedural matters with the Comptroller. A Member who wishes to make an interjection relevant to the point being made by the Member speaking may do so if the Member speaking agrees to give way. Now, that was not really an interjection relevant to the point that is being made. But it has had its effect because as and when Deputy Dyke wishes to speak, potentially, he can move a motion but not at this stage, not in the middle of Deputy Meerveld's speech.

1415

**The Comptroller:** Sir, I think that is a fair analysis and application of the Rules.

**The Bailiff:** Thank you. Deputy Meerveld to continue then please.

1420

**Deputy Meerveld:** Thank you, sir. I would like to move the motion suggested by Deputy Dyke.

**The Bailiff:** You will have to formulate it for me then, please, and it will not have any assistance from Deputy Dyke. So, what is the motion that you are asking me to put to Members?

1425 **Deputy Meerveld:** I am asking you to put to the Members that we defer this debate to the end of this Meeting to enable consideration of laying additional amendments that may address the concerns of those in the Assembly who have said they cannot vote against the current legislation in the current form.

1430 **The Bailiff:** It is unusual to do that in the middle of your speech because technically you will not be able to resume your speech. (**Deputy Meerveld:** Oh, good!) Would it not be better to complete your speech and then let Deputy Dyke do that?

1435 **Deputy Meerveld:** Well, actually, the last part of my speech was, and I will do that, sir, just saying I regret the fact that I would have to vote against legislation that I am broadly supportive of but which fails, in my mind, on four different points – in Deputy Dyke’s, apparently five – so I was going to express my regret that the *sursis* had failed and that I was being forced to vote against the legislation that naturally, by choice, I would want to support, if adjustments had been made. Therefore I think the opportunity to lay amendments is very appropriate. Thank you, sir.

1440 **The Bailiff:** Deputy Dyke.

1445 **Deputy Dyke:** Thank you, sir. I think my motion is that we defer debate on this matter until the end of the Meeting, so as to enable specific drafted amendments to be put forward, drafted on a vote by vote basis, to enable us to reach the conclusion that many of us who would otherwise feel unable to vote for this would be able to do so. So, the motion would be to defer with a view to amendments being presented.

1450 **The Bailiff:** I am not going to encourage any debate on that particular motion, because I think it will be clear to Members which way they are going to vote, one way or the other on that. So, I am simply going to put the motion to you, Members, that we suspend debate on this Article of Business, that it is interposed as the penultimate Item of Business for this Meeting on the basis that you have already deferred the Item deferred from the last Meeting, which is the General Election Item, which would then precede it. That is the motion. So it is to suspend debate on this Item and put it to later in the Meeting but as the penultimate Item of Business. Those in favour; those against?

*Members voted Contre.*

1460 **The Bailiff:** Is there any request for a recorded vote? (*Laughter*) (*Interjection*) That is what I thought, Deputy Meerveld. You are entitled if you want but given the ... thank you very much. Deputy Queripel and then Deputy Le Tocq.

**Deputy Queripel:** Sir, I would like a recorded vote to get it on record, please. (*Laughter*)

1465 **The Bailiff:** Okay, well we will have a recorded vote on that motion then, please, Greffier.

*There was a recorded vote.*

*Not carried – Pour 11, Contre 27, Ne vote pas 1, Absent 0*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Meerveld	Deputy Moakes	Deputy Prow	None
Deputy Murray	Deputy Oliver		
Deputy Queripel	Deputy Parkinson		
Deputy Aldwell	Alderney Rep. Roberts		
Deputy Blin	Deputy Roffey		
Deputy Dudley-Owen	Alderney Rep. Snowdon		
Deputy Dyke	Deputy Soulsby		
Deputy Falla	Deputy St Pier		

Deputy Gollop	Deputy Taylor
Deputy Mahoney	Deputy Trott
Deputy McKenna	Deputy Vermeulen
	Deputy Brouard
	Deputy Burford
	Deputy Bury
	Deputy Cameron
	Deputy de Lisle
	Deputy de Sausmarez
	Deputy Fairclough
	Deputy Ferbrache
	Deputy Gabriel
	Deputy Haskins
	Deputy Helyar
	Deputy Inder
	Deputy Kazantseva-Miller
	Deputy Le Tocq
	Deputy Leadbeater
	Deputy Matthews

1470 **The Bailiff:** In respect of the motion to defer this Item of Business and continue debate further I am going to declare the result now, that was 11 in favour, 27 against, one abstention and that is why the motion is declared lost.

**Deputy St Pier:** Sir, could I move 26(1) please?

1475 **The Bailiff:** Will those Members who still wish to speak in general debate on this Item of Business please stand in their places? Is it your wish, Deputy St Pier, still to invoke Rule 26(1)? So, there is a further guillotine motion – how prescient I was yesterday morning – in respect of this debate –

1480 **Deputy Le Tocq:** Sir, I hesitate to interrupt your judgement but you had already called me to speak when you asked Deputy Queripel, you said followed by Deputy Le Tocq.

1485 **The Bailiff:** I thought Deputy Queripel wished to speak in debate. I am going to put the Rule 26(1) motion that Deputy St Pier has put to Members, which is as you know to close debate subject to hearing from the Vice-President of the Committee. You have seen who still wishes to speak in general debate, Members. Those in favour; those against?

*Members voted Contre.*

1490 **The Bailiff:** I will declare that lost and there is a request for a recorded vote. So we will have a recorded vote on that, please, Greffier.

*There was a recorded vote.*

*Carried – Pour 20, Contre 18, Ne vote pas 1, Absent 0*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Moakes	Deputy Meerveld	Deputy Brouard	None
Deputy Murray	Deputy Queripel		
Deputy Oliver	Deputy Roffey		
Deputy Parkinson	Deputy Taylor		
Deputy Prow	Deputy Burford		
Alderney Rep. Roberts	Deputy Bury		
Alderney Rep. Snowdon	Deputy de Lisle		
Deputy Soulsby	Deputy de Sausmarez		
Deputy St Pier	Deputy Dyke		
Deputy Trott	Deputy Fairclough		
Deputy Vermeulen	Deputy Falla		

Deputy Aldwell	Deputy Gollop
Deputy Blin	Deputy Haskins
Deputy Cameron	Deputy Kazantseva-Miller
Deputy Dudley-Owen	Deputy Le Tocq
Deputy Ferbrache	Deputy Leadbeater
Deputy Gabriel	Deputy Matthews
Deputy Helyar	Deputy McKenna
Deputy Inder	
Deputy Mahoney	

**The Bailiff:** In respect of the motion proposed by Deputy St Pier, pursuant to Rule 26(1), the voting was as follows, Pour 20, Contre 18, one abstention and therefore it is carried. But it was close. So I am simply going to turn now to the Vice-President of the Committee, Deputy Bury, to reply to debate on this matter.

1495

**Deputy Bury:** Thank you, sir. I was not quite expecting that. What I was going to do in this summing up was just cover broadly the themes that have been brought up. As per my last summing up, most people's concerns can be summarised under a few subjects. One of those would have been the 24 weeks' gestation period. As we have very recently covered that, I hope Members will just commit that to their memory.

1500

So, I will cover the decriminalisation of women who find themselves in such a circumstance that they have to procure their own abortion. In the run-up to this debate, there was a lot of talk about legalising. Decriminalisation is obviously not legalising. It would still be illegal but there would be no criminal sanction.

1505

Unsafe abortions contribute to maternal deaths. The World Health Organisation estimates that between 4.7% and 13.2% of maternal deaths can be attributed to unsafe abortion. One of the strongest arguments that the medical profession –

**Deputy Dyke:** Point of correction.

1510

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

**Deputy Dyke:** Section 2 of this Law and then Section 1 of the principal Law abolish the offence of a woman procuring her own miscarriage... *[inaudible due to no microphone in use]*

1515

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

**Deputy Bury:** Okay, thank you. So one of the strongest arguments in the medical profession's opinion for not criminalising a woman if she has procured her own miscarriage is to ensure that she is not disincentivised to seek medical assistance, which she would most highly likely need in this situation. If a woman is in such a desperate mental state to attempt inducing her own miscarriage, particularly at a late stage in gestation, it is highly unlikely that a criminal sanction would deter her.

1520

However, if she then needed to seek medical assistance, as I said, which would be quite likely, then the threat of being criminalised could deter her from doing so. The physical consequences of a woman attempting a self-abortion beyond 24 weeks are quite unfathomable. Of course, there would be a huge amount of pain with no adequate pain relief available, bleeding, whether externally or internally, sepsis, which is a life-threatening infection.

1525

I have been provided a few examples to try and explain this. The difficulty with them is that they are quite graphic and this has been quite arduous already. So, I am going to try and pick through them without being too graphic. However, it is not something that we really should be spared because we need to bear in mind that this would be the reality of a situation of inducing one's own miscarriage at a late period. So, please bear with me if I trip over somewhat. I am trying to miss out the more harrowing bits.

1530

1535 For example, if a woman threw herself down the stairs, causing a placental abruption, which is when the placenta becomes unattached from the uterus, she would suffer significant blood loss, which would inevitably become life-threatening without medical attention and could possibly be internal and so the woman would not notice. If the woman goes into labour and delivers, she would lose further blood from the placental site and may also suffer trauma to the vaginal tract and her perineum, causing even more bleeding. Trauma and tears will require suturing. Left un-sutured, she would be at high risk of infection. Placental abruptions can cause excruciating pain.

1540 I am not going to use the next one but you can rest assured it is more harrowing than that one. I think that probably speaks for itself as to why a criminal sanction may not be appropriate and a medical response would be. Decriminalisation is being called for in England by the British Medical Association and it has already been decriminalised in the Republic of Ireland.

1545 Another element that has been brought up a couple of times is about having two doctors to consult. Indeed, our proposal is going further than the UK currently, but that is because we are modernising our Law and the British Medical Association is currently calling for the requirement from the UK Law – and the UK House of Commons Science and Technology Committee – are calling that to be removed from the UK.

1550 Oh yes, sorry, the UK House of Commons Science and Technology Committee has deduced that certification from two doctors does not provide any meaningful safeguard or any other useful purpose. The Royal College of Obstetricians and Gynaecologists describe the need for two doctors to certify an abortion as anachronistic and highlights that there is no other medical procedure, which requires permissions from two doctors, legally or otherwise.

1555 In the Isle of Man, which is one of the more modern pieces of legislation in the British Isles, which was introduced in 2019, abortion can be accessed via a pharmacist until 14 weeks' gestation and thereafter a consultation with one doctor is required. In Guernsey, this is bringing us back to the equitable point, in Guernsey where we have to pay for access to primary care, consulting two doctors can add an additional barrier and additional time to the woman accessing care if she needs, particularly if financial resources are difficult. Any woman who may have gone through trauma or rape will have to go through the process twice of explaining that to a doctor.

1560 Deputy Meerveld mentioned about other countries where the process of aborting one's own pregnancy is decriminalised only up to the gestation period and he hung on that quite a lot. I actually think that is quite a bizarre concept, because the care would be available at that point. You could access the care through the medical system, so I think actually having that decriminalisation beyond that is more apt and, regardless of the gestation period, the mental state a woman would be in to go through such a process is not going to be any different, regardless of whether it is 24 weeks or beyond.

1570 Conscientious objection was brought up. Conscientious objection arose as the current Law has led to accepted practice locally, where some healthcare staff are refusing to answer call bells, bleep the doctor, provide pain relief or take food into the room of the service user who is having an abortion. I.e. refusing to provide basic nursing care that is far removed from the procedure itself. Are you asking to give way or are you doing a point of correction?

1575 **The Bailiff:** Just a minute, Deputy Bury. If a Member stands and does not say anything, it is a give way and you have a choice whether to give way or not.

**Deputy Bury:** Okay, well I will not be giving way. Thank you, sir.

1580 The Committee is not repealing Section 5.1 of the Law, which gives those practitioners who choose to exercise conscientious objection the legal right to do so. The changes are not designed to erode the right of those health professionals who choose to conscientiously object but rather provide clarity as to which duties can and cannot be refused.

1585 The Amendment Law does give the Committee *for* Health & Social Care power to make regulations in relation to the scope of conscientious objection. The Committee *for* Health & Social Care originally considered proposing a definition of abortion procedure to make clear that the non-

answering of call bells or other basic care duties that are unrelated to the procedure itself cannot be refused. However, St James' Chamber advised the power to make regulations instead and regulations will only be made if further clarification is required to guide operational practice to both ensure that the rights of the conscientious objector are upheld whilst ensuring this does not compromise patient care.

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Any regulations will be made in line with the guidance issued by the regulatory bodies to their registrants, which is the Nursing and Midwifery Council and the General Medical Council. Some –

**Deputy McKenna:** Can I ask for a point of correction, sir?

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

**Deputy McKenna:** I would just like Deputy Bury to give me where she got her facts from to say that nurses, and we have a very senior nurse here with us this morning in the gallery, where did you get this information that nurses refuse any care or food provision or care provision? Where did you get that fact from because I am sure that is not the fact at all? I work in the Hospital on the Marchant Ward and Carey Ward and Frossard Ward and I have never, in 37 years, heard this from any nurse and I would just like you to quote exactly your source.

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**The Bailiff:** Not really a point of correction, Deputy McKenna, because you have not suggested that Deputy Bury is making an inaccurate or misleading statement when you are seeking the source, so Deputy Bury to continue, please.

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**Deputy Bury:** Thank you, sir. I am actually happy to address that point, despite it not being within the Rules. Our sources come from our senior public health practitioners.

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In the case of foetal anomalies, the recognition of foetal anomalies relies on ante-natal screening programmes, using both blood tests and ultrasound scanning. Structural anomalies are usually detected during a routine ultrasound scan and that takes place between 18 and 20 weeks' gestation. Confirmation of suspected malformations will be made during further especially arranged scans at 22 weeks' gestation and complex testing needed to assist with the diagnosis and prognosis inevitably requires laboratory analysis, the results of which may take days or weeks to become available.

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This scenario creates time restraints and unnecessary additional difficulty in decision-making that is unfairly led by legal requirements rather than health and wellbeing considerations. There are also some situations whereby the prognosis of certain abnormalities does not become clear until after 24 weeks' pregnancy.

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There is a condition that has a very complicated name. I am not going to try and say it. But it is characterised by the dilation of the foetal cerebral ventricles and in its mildest form can be benign but it can also be associated with genetic structural and neurocognitive disorders, leading to severe impairment.

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The prognosis for this condition is uncertain at 24 weeks but a true prognosis can only become clearer at a later stage. Local doctors estimate that a situation such as this occurs approximately once every eight years and in practice it means that clinicians and women are currently placed under undue pressure and anguish to advise and make decisions to ensure compliance with the Law without all of the necessary information to make an informed decision in what is already a significant and very sad situation.

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There are a myriad of other conditions that could present in later gestation, including severe cardiac conditions and anencephaly, which is where the top part of the foetus' skull is not formed and the brain is exposed, and there is often much focus on foetuses diagnosed with Down's Syndrome and it is of course true that there are many children and adults with Down's Syndrome living happy, fulfilling, lives, and contributing to our society. But in fact Down's Syndrome itself is

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rarely the sole reason to end the pregnancy. Forty to 60% of fetuses diagnosed with Down's Syndrome also have congenital heart conditions that mean the foetus might not survive.

1640 Some Members referred to discrimination and rights under discrimination legislation, which I am very pleased is at the forefront of Members' minds. This Law has been very carefully drafted and disability versus discrimination and rights, it is tricky. When there are competing rights it is tricky. However, we look to the rights-writing bodies for guidance and there is a statement way back in 2018, which came from the United Nations Human Rights Office of the High Commissioner and this was a joint statement from CEDAW, which is the United Nations Committee of the Elimination of  
1645 Discrimination Against Women, and their Committee on the Rights of Persons with Disabilities. So this is a joint statement from both those rights bodies and they say:

Access to safe and legal abortion as well as related services and information are essential aspects of women's reproductive health.

The chairperson of the committee for rights of people with disabilities, said:

I am very concerned that opponents of reproductive rights and autonomy often actively and deliberately refer to disability rights in an effort to restrict or prohibit women's access to safe abortion. This constitutes a misinterpretation of the Convention on the Rights of Persons with Disabilities. Disability rights and gender equality are two components of the same human rights standard that should not be construed as conflicting.

1650 I believe, sir, that as we covered 24 weeks in the amendment, I can probably wrap up, but I would like to just make sure. Actually no, sorry, I have just remembered there is one more thing. It moves on from that point about disability and rights.

It is not the case that abortion is currently the default. That is not the case when these situations occur. There is significant support for a woman to make a decision in these difficult circumstances  
1655 by the specialist provider working alongside on-Island services. Midwives and obstetricians are already very well-qualified to undertake counselling around screening options and then ongoing options if an anomaly is detected.

It is not that the termination of a pregnancy is an automatic presumption, it is an option that may be discussed in specific situations as part of an array of options that the parents must consider.  
1660 But to offer this in a professional manner, healthcare providers need to be knowledgeable, neutral and open. They must avoid putting additional pressure on parents to make a decision that is not correct for them, whether that be to continue with the pregnancy or not.

Healthcare providers must provide evidence-based, unbiased information and support to enable women to make that fully informed decision. With very complex cases, an awful lot of information  
1665 will be provided by a foetal medicines specialist in the UK, which is usually in Southampton. However, our local services also signpost service-users to an organisation called ARC, which is Ante-natal Results Choices, who can offer support and impartial advice or signpost onto specific organisations who hold data on a wide range of congenital or chromosomal anomalies.

I think that has covered specific points and broad things that were brought up in Members' speeches. I thank Members in the main for managing to keep this debate respectful. As I started,  
1670 quite some time ago, on behalf of the Committee for Health & Social Care and our local medical professionals, we present the legislation today and ask for its approval.

**The Bailiff:** Thank you very much. There is a single Proposition, Members of the States. Deputy  
1675 Queripel, a recorded vote?

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

**The Bailiff:** Thank you very much. We will have a recorded vote then please, Greffier.

*There was a recorded vote.*

*Carried – Pour 27, Contre 11, Ne vote pas 1, Absent 0*

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

1680 **The Bailiff:** Members of the States, the voting on the Proposition to approve the Abortion (Guernsey) (Amendment) Law, 2021 was as follows: there voted Pour 27, Contre 11, one abstention and therefore I declare the Proposition carried. We will now adjourn until 2.30 p.m.

### **Procedural – Order of business**

1685 **Deputy Inder:** Before that happens, sir, I just wondered if I could bring a motion, something for Members to think of, I am looking to bring a motion to bring education, which is Article 10, as the next piece of work?

1690 **The Bailiff:** One of the difficulties potentially, looking at Mr Comptroller here, is that some of the legislation I think is due to commence today, that is to be voted on. There are four small items of legislation. I will put the motion if you want me to, Deputy Inder?

**Deputy Inder:** I will wait until after lunch, then. I will wait until after lunch.

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

1695 **Deputy Dudley-Owen:** Thank you and I am sorry to delay everybody for lunch, I just wanted to give notice that I have asked the Bailiff if he would give consideration to us sitting late this evening, just in case anyone needs to make childcare arrangements, such as myself.

1700 **The Bailiff:** I think bearing in mind the time within this Meeting, if there is a desire to sit beyond 5.30 p.m., perhaps for up to an hour this evening, then we will get there later but we will see where we are to, as they say, at that point. We will now adjourn until 2.30 p.m., Members.

*The Assembly adjourned at 12.38 p.m.  
and resumed at 2.30 p.m.*

## COMMITTEE FOR ECONOMIC DEVELOPMENT

### 6. The Public Thoroughfares (Guernsey) (Amendment) Law, 2021 – Proposition carried

Article 6.

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft *Projet de Loi* entitled "The Public Thoroughfares (Guernsey) (Amendment) Law, 2021", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.*

**The Deputy Greffier:** Article 6, Committee for Economic Development – the Public Thoroughfares (Guernsey) (Amendment) Law, 2021.

1705 **The Bailiff:** Deputy Inder, is there anything you wish to say as the President, in opening debate?

1710 **Deputy Inder:** Thank you, sir. Just briefly, I have got a couple of notes. This year's review of the extant Resolutions identified a minor administrative error relating to Billet IX, 2015, Utilities Laying and Maintaining Services in Private Land. Specifically, Guernsey Electricity's rights to excavate in the public highway. The Resolution referred to the laying and maintenance of service in private land, which was in effect putting in the rights to install fibre to homes but the administrative error, which I referred to, with Guernsey Electricity not having the rights to excavate and install equipment and cables in the public highway, remained and is an easy fix.

1715 It was previously a consulted exercise that was undertaken in the course of preparing a policy letter back in 2015, that highlighted the anomaly, relating to the right of Guernsey Electricity to excavate and install equipment. An unintended consequence of the legislation that was introduced to enable the commercialisation of the former Electricity Board in 2001 was that the newly incorporated Guernsey Electricity lost the rights that its predecessor had for excavating the public highway. This anomaly has not caused an issue as the States has issued a licence on an annual basis to allow GE to excavate. But the minor amendment to the Law regularises the situation and brings Guernsey Electricity into line with other utilities. Thank you.

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**The Bailiff:** As nobody is rising, I will simply put the Proposition to you, Members of the States, whether you are minded to approve the draft *Projet de Loi*, those in favour; those against?

1725 *Members voted Pour.*

**The Bailiff:** I declare the Proposition duly carried.

**COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

**7. The Health and Safety at Work (Equality Provisions) Ordinance, 2021 –  
Proposition carried**

1730

*Article 7.*

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Health and Safety at Work (Equality Provisions) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.*

**The Deputy Greffier:** Article 7, Committee for Employment & Social Security – the Health and Safety at Work (Equality Provisions) Ordinance, 2021.

**The Bailiff:** I invite the President, Deputy Roffey, to open debate.

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**Deputy Roffey:** Thank you, sir and Members. This Ordinance seeks to repeal several blatantly sexist clauses in four old pieces of health and safety legislation – clauses which seem absurd to the modern eye, but which no doubt somehow seemed to make sense back in the day. The first Law being amended is the 1924 legislation on the employment of women, young people and children. An interesting set of people to legislative for collectively. That Law stipulates that women may not work at night in any industrial undertaking unless within a family business. With my STSB hat on I really hope that Guernsey Electricity, Guernsey Water or States' Works have never employed any female night workers – but if they have it is a fair cop!

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The next Law to be changed is the Quarries (Safety) Ordinance, from 1954, which stipulates that only a competent male may perform certain actions or undertake a supervisory role. I suppose back then they thought that once the *memaabs* were in charge of our quarries all sense of proper safety procedures would go out of the window. Other actions in quarries were limited to males who were over 18. Clearly, children and women were seen in the same light and neither were regarded to be up to those tasks.

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Now, the last two Laws to be amended are the General Safety of Employees Ordinance and the one specifically covering growing properties, also both from the 1950s. Both prohibit women from cleaning the machines in motion. Now I confess that to me cleaning machines in motion does not sound like a particularly good idea, whatever your sex may be, but there is clearly no reason why a woman should not be just as competent at the task as a man would be.

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Finally, sir, I should just add that while we are correcting all of the actual discrimination under these Laws, it has been pointed out to the Committee that we have not taken the opportunity to recast the Law in gender neutral language. So, as in most Guernsey legislation, 'he' is implied as containing 'she' and so on. That is true and maybe we should have taken the opportunity to do that but there is no reason not to crack on and remove the actual practical discrimination within these old Laws and I invite you to do so.

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**The Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, sir. Just very quickly, following on from that last point that Deputy Roffey made, I believe there is an extant Resolution on P&R to address this issue and would just like to take this opportunity to maybe remind them of that. Thanks.

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**The Bailiff:** Deputy Soulsby.

1770 **Deputy Soulsby:** Just on that, whether there is any real need for that Resolution, a policy letter to come to the States, if that work is already being done anyway. Yes, we could have a policy letter but whether we actually need it to effect change is another matter.

**The Bailiff:** Deputy Gollop.

1775 **Deputy Gollop:** Yes, I have had bemusement too about these ancient legislations and I suppose back in the day, in a more paternalistic society of owners, they were designed to protect what they considered vulnerable people, but it was inappropriate, even then, especially given the contribution women had made in World War One and World War Two.

1780 But I stand actually now because not only do I sit on ESS but also on the Legislation Review Panel and in the last States we certainly had at least one Member, who was a solicitor, who was very keen on focussing on new language and in shaping legislation appropriately and Deputy Tindall very much made a valid contribution on many levels and I suppose it is a matter that I can continue to raise with Deputy Dyke and the other Members that all legislation is as gender neutral as possible and I personally am not entirely sure, but I am sure the Comptroller or somebody else from St James' Chambers could advise why it is not more easy to do.

1785 Does it mean completely reshaping our Victorian or French legislation? I do not know. But I think we should try, wherever possible, from now on to have a gender neutral policy.

1790 **The Bailiff:** Deputy Bury.

**Deputy Bury:** Thank you, sir. Just to quickly add to the points made by Deputy de Saumarez and followed up by Deputy Soulsby. I agree with Deputy Soulsby that perhaps a policy letter might not be needed and it could just be done but the fact that this legislation came back and albeit Members of ESS have not picked it up, but it is not being done as this piece of legislation demonstrates. So, whatever we need to do, whether it is a policy letter or some sort of direction, perhaps it could be done.

1795 **The Bailiff:** I invite Deputy Roffey, if he so wishes, to reply to that short debate. Nothing to say. So, Members of the States, there is a single Proposition, whether you are minded to approve the draft Ordinance. Those in favour; those against?

*Members voted Pour.*

1805 **The Bailiff:** I declare that Proposition duly carried as well.

## **POLICY & RESOURCES COMMITTEE AND COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

### **8. The Machinery of Government (Transfer of Functions) Ordinance, 2021 – Proposition carried**

*Article 8.*

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Machinery of Government (Transfer of Functions) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.*

**The Deputy Greffier:** Article 8, Policy & Resources Committee and the Committee for Employment & Social Security – the Machinery of Government (Transfer of Functions) Ordinance, 2021.

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**The Bailiff:** I invite Deputy Ferbrache to open debate.

**Deputy Ferbrache:** Only to ask Members to read the explanatory memorandum.

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**The Bailiff:** I do not see any Member rising to speak in the debate and therefore I will put the Proposition, whether you are minded to approve this draft Ordinance to you *aux voix*. Those in favour; those against?

*Members voted Pour.*

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

## POLICY & RESOURCES COMMITTEE

### 9. The Income Tax (Guernsey) (Amendment) Ordinance, 2021 – Proposition carried

*Article 9.*

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Guernsey) (Amendment) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.*

**The Deputy Greffier:** Article 9, Policy & Resources Committee – the Income Tax (Guernsey) (Amendment) Ordinance, 2021.

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**The Bailiff:** Again, I invite the President, Ferbrache to open debate. Oh, Deputy Helyar will open debate. Fair enough.

**Deputy Helyar:** Thank you, sir. Just to follow from Deputy Ferbrache's comments, I would just ask Members to read the explanatory memorandum. These are relatively minor amendments to the Ordinance that enable us to comply with our international obligations and I would ask Members to vote in favour. Thank you.

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**The Bailiff:** Once again, I do not see any Member rising, so I will put the Proposition whether you are minded to approve this draft Ordinance to you *aux voix*. Those in favour; those against?

1835

*Members voted Pour.*

**The Bailiff:** I declare that duly carried. Are we going to do the same on the next matter?

**COMMITTEE FOR EDUCATION, SPORT & CULTURE**

**10. Secondary and Post-16 Education Reorganisation –  
Debate commenced**

Article 10.

*The States are asked to decide:-*

*Whether, after consideration of the policy letter, dated 28th May 2021, they are of the opinion:-*

*1. To agree that from the earliest date practicable, States' maintained secondary education should be delivered through an 11-18 learning partnership across three 11-16 schools and a Sixth Form Centre located on a site separate to those schools, and Le Murier and Les Voies Schools and St Anne's School in Alderney.*

*2. To agree the three 11-16 schools will be located on the existing school sites at Les Beaucamps, Les Varendes and St Sampson's and the Sixth Form Centre in a new building at Les Ozouets Campus co-located with The Guernsey Institute, the development and implementation of which is estimated to have:*

*a) A capital cost of £43.5m as set out in table 8 in paragraph 9.4; and*

*b) An ongoing revenue cost which will not, in the medium term, exceed the current revenue costs associated with these phases of education.*

*3. To approve 'Secondary & Post 16 Education Reorganisation' as a project in the capital portfolio, subject to ratification by the States as part of the Government Work Plan debate.*

*4. To delegate authority to the Policy & Resources Committee, following approval of the necessary business cases, to open capital votes of up to £54m, (which includes an allowance for optimism bias as described in section 9.8) to fund the model for the reorganisation of the secondary and post 16 education infrastructure agreed by the Assembly, subject to ratification by the States as part of the Government Work Plan debate.*

1840 **The Deputy Greffier:** Article 10, Committee for Education, Sport & Culture – Secondary and Post-16 Education Re-organisation.

**The Bailiff:** And I invite the President of the Committee, Deputy Dudley-Owen, to open the debate, please.

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**Deputy Dudley-Owen:** Thank you, sir. Schools where every child is known by name and need. Schools where students feel they belong. Schools where students feel confident to achieve their ambitions and become what they want to be and follow their chosen career path. That is what this Education, Sport & Culture Committee wants for Guernsey's children.

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It is through meeting the individual needs of our children by providing them a culture of belonging, building self-confidence, helping them to increase self-esteem and self-worth, giving them the tools to become young people who realise their full potential that we will be able to say that we have a system that focuses on educational outcomes.

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Our future in Guernsey will be dependent on this generation. Our education system needs to evolve and develop, being redesigned to meet the challenges and requirements of the 21st Century, building on what is fit for purpose and leaving behind what belongs to a bygone era, using a strategic approach to meet our aims.

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This is bigger than political colour and allegiance. This is bigger than all of us in this Chamber. This is about the future of our Island and its ability to navigate turbulent and unpredictable times ahead. The challenges of a changed world, including Guernsey. Our changing demographics, a rapidly evolving job market, a changing view of what business needs from its workforce. Changing values in the face of a global pandemic and the value we place on our people and their potential.

Our Committee, ESC, strongly believe that our greatest asset is our people. Investing in our people, especially our young people, is crucial to our future stability and success. Our community, our economy, relies on their knowledge, skills and competencies. That has been at the very forefront of our deliberations when looking at a solution to the delivery of secondary and post-16 education in Guernsey in a post-selection era.

We educate to ensure we create valuable contributors to our community and our workforce, with students having access to high quality teaching and having the opportunity to flourish. To have a powerful springboard into adult life provided to them from the system we, here this week, right here, right now, put in place for them in Guernsey.

We must acknowledge that our present system requires some changes and we should acknowledge that we cannot delay any more. No Member of this Assembly took their seats content to stay with the *status quo*. No one said on 7th October 2020, 'We want to leave things the way they are today.' We all want change and change, we know, is never easy. Especially where a system is embedded and has seen no material change for decades. Especially where successive attempts to bring about change have not been realised for a variety of reasons including those at my own hand.

Today, sir, I plan to talk for some time. This topic deserves the coverage. I will speak about the background, the case for change, our guiding principles and initial engagement, our preferred option, the staff survey, union views, change management, engagement and themes, the review, secondary school partnership and devolution, our vision for Les Ozouets campus and, of course, capital and revenue costs before I conclude.

So, the background. Our 11-plus selection system ended during the Assembly of 2016-20, with our first non-selective students entering secondary school in September 2019. So, we took the first step towards the States' preferred option: comprehensive education. The number of children previously selected to either the Grammar School or our grant-aided private colleges is diminishing year on year.

Various ways to configure Guernsey's secondary schools have been debated by several Assemblies since 2001. Since 2013, £10.67 million has been spent on reviews about education. I will say that again: *£10.67 million*. To put that in context, that is the cost of the rebuild of La Mare de Carteret Primary as a two-form entry school.

Our proposals have been carefully researched, using a wide range of information and the knowledge and experience of specialist educationalists, teachers on the front line and industry leaders. We know that change on the scale we are proposing can be challenging for both staff and the wider community but we firmly believe the changes are in the best interests of Guernsey and our secondary students of today and tomorrow and we, surely, have come to a place where a firm decision must be made and implemented.

Over the years, a complex system has evolved in our further and higher education phase, where we currently operate three different organisations across no fewer than five different sites. I joined this Committee with a genuinely open mind about what the ultimate reorganisation of our secondary and post-16 provision should be. There was one exemption to that open-mindedness and that was my very clear and public view of the situation that arose around the previous Committee's one school over two sites model.

I took on the role as President of the Committee with a very open mind about whether the physical model should be three 11-18s; two 11-16s and an 11-18; three 11-16s and a separate sixth form centre, or some other structure, which we were not yet aware of. The point I am making is that I came into this process without bias towards any preferred option. I knew that the two-school preferred option was not right for our community, that whilst it might have worked in a jurisdiction larger than ours the sites would simply have been too large for the appetite of a community where a family feel is so important to our learners and their families. But, other than that, I was open to all possibilities.

Our preferred option, sir, is alongside Guernsey's two special schools, Les Voies and Le Murier, and St Anne's in Alderney, three 11-16 schools and a post-16 campus accommodating the Guernsey Institute and a sixth form centre at Les Ozouets. So, let us look at the case for change.



1915 It is essential that we prepare our young people to thrive in this changing world. A report undertaken in 2019 by the Open University monitors the skills landscape of the UK. The report was based on a survey of 950 senior business leaders and revealed that organisations in the UK are spending a staggering £4.4 billion a year as a result of the skills shortage, as more than two thirds of employers struggle to find workers with the right skills.

1920 This spend covered increased recruitment costs, inflated salaries, training for those hired at a lower level than required and temporary staffing for gaps that could not be filled. Now, with our own skills work underway and not ready for publication, we are left to draw on statistics from over the water, which are sometimes relatable to our own context.

1925 We know the picture I have just painted is not too far from the scaled-down reality here. We have an employment-related permit system to enable us to fill our skills gaps. But, even so, we have shortages of hospitality, construction and finance staff. But we are an outward-facing, globally engaged jurisdiction, which needed to keep its competitive edge in order to ensure our continued success and standard of living.

1930 We are facing a myriad of challenges, some of which I have already mentioned and amongst them, reducing Government revenues. Business needs to be facilitated by us to keep Islanders in employment and for the economy to remain sustainable and buoyant. But it is a changing landscape. One where we are seeing a reduction in employers calling for degree-qualified staff.

1935 An Association of Accounting Technicians survey conducted in our last pandemic-free calendar year, 2019, as well, provides further insight into the changing recruitment landscape in the UK. A survey of 1,000 decision-makers in business found 49% preferred to see experience from a relevant apprenticeship or previous position on a candidate's CV. Just 24% said that they would be more likely to take on someone who had a relevant degree qualification.

1940 The impact of changes, especially in technology, that were predicted by Judith Hann or Maggie Philbin back in the day on *Tomorrow's World* are happening now. They were not really understood or apparent in my teenage years or young adult life nor, I bet, for the majority in this Chamber, either.

1945 Secondary education is a key building block for our learners' future successes but the quality of post-16 education and diversity of offer is particularly crucial, not just so our young people can cope with these changes. We are doing them a disservice if we continue to educate them in the same ways that many of us were at a time when we were aware that they will need different and additional skills, knowledge and competencies than we did when we finished our formal education.

1950 We know things are different in the employment landscape and the Bailiwick needs to align skills with the local employment market. So it is essential that learners moving onto post-16 education have the opportunity to select from a broad range of options, including academic, vocational, professional and technical qualifications and learning pathways that blend those together so that they can be successful wherever they choose to live and work.

1955 Equally critical is that the principle of lifelong learning is embedded in future generations of Islanders who will have on average five different career paths during their working lives, so that we can all re-train and develop new skills as the local employment market changes over time. This is about future-proofing education to meet the changing needs of the Bailiwick's economy in a changing world.

1960 We moved into a comprehensive system of education two years ago and we know that operating across four sites, some of which are under-populated in terms of student numbers, and one of which is in a very poor state of repair, being long past its life expectancy, is a less than efficient model of delivery, not only from a financial perspective but also in terms of being able to deliver a curriculum that is fairly accessible to all students in the secondary phase.

1965 Currently, here, are different curriculum opportunities, depending on which school students attend. In a fully States-funded system, which does not provide parental choice over the secondary school their children attends, this is not acceptable. How to deliver education in a better way than we do it today has been a real source of concern over successive terms. Some might ask why would we not leave things the same? Because to do so and not to evolve or develop our education system,

I would argue, would be wilfully negligent and disregarding the needs of our young people, their future and that of our Island.

1970 Sir, like the rest of the world, Guernsey's finances have been massively hit by the pandemic. We need to use the money we have available to spend on our education system wisely, whilst enabling every student to achieve their full potential. Using each pound of taxpayers' money to its maximum impact, investment in children and our young people is where it is at.

1975 We are talking about our guiding principles and first stage engagement and before we settled on our preferred option we developed some guiding principles to help focus our decision-making. Using staff and community consultation, we also started with what we have got on the Island from where we are now, looked at how we are resourced and, importantly, what we want education to look like and worked from there.

1980 Interestingly, this is exactly, almost verbatim, the approach that was endorsed by one of our union representatives recently on BBC Radio. We asked school staff for feedback on our emerging guiding principles towards the end of last year and we refined them before announcing them publicly in March. When we were developing these guiding principles, the responses provided by staff, through consultation undertaken by the previous Committee less than a year ago now greatly influenced our thinking about which preferred option is optimal for Guernsey.

1985 That consultation drew out details of what staff feel is important to them in their delivery of education. It was the most widely responded to education staff survey that has ever been done. That was last summer. This was a logical approach to finding a solution and I will be interested to hear more about the guiding principles used by colleagues who have brought amendments to help them arrive at their solutions. I did miss those, they are not in the explanatory amendment notes, so I will listen with interest to hear them in debate.

1990 Engagement. Yes, we have engaged. This has been acknowledged by those involved. We have taken great care and time, ensuring that the way we engaged was meaningful. I like this phrase: engagement is a contact sport, whilst communication often happens at a distance. Communication is what to say and who to say it to, whilst engagement is about listening and eliciting feedback. We have engaged well and we have proved it time and time again. We were purposeful in delaying our policy letter so that we could undertake further engagement with staff. This did influence the content we published.

2000 We have continued to engage and we have frequently fed back to staff to complete that engagement look and to States' Members too. All this content is available, along with much more information on the Government website, [gov.gg/educationfuture](http://gov.gg/educationfuture) We have heard about engagement in some detail in this debate. We have done the work we should have in the way we should have.

2005 So, I will talk now about the preferred option, what it is and what it is not in relation to the Education Strategy. To recap, the preferred option is alongside Guernsey's two special schools Les Voies and Le Murier and St Anne's in Alderney, three 11-16 schools and a post-16 campus accommodating both the Guernsey Institute and the Sixth Form Centre at Les Ozouets.

2010 An education model provides an effective framework through which education is delivered. It takes into account knowns and builds in flexibility for unknowns. Via our Education Strategy, which is very separate to the model, we have a robust plan to take our whole education system from where it is today to where it needs to be and builds in a robust reporting mechanism, so that we can monitor how we are doing.

Our well thought-out, well-researched model has been through rigorous proof of concept modelling, to ensure that what we have produced represents a more sustainable and efficient way forward in allowing education to develop in an unplanned and *ad hoc* fashion, where output is less easily measured.

2015 A model of education is so much more than the physical structure of buildings. It is the organisation of students within them, the age range and education phases in which they are taught. The Education Strategy, on the other hand, is over-arching, and the model fits into that strategy as a framework for delivery. The real estate does not deliver educational outcomes.

2020 I will say a little bit more about our post-16 campus in a few minutes but first I would like to outline the steps we are taking to ensure that the States-maintained education system is ambitious and aspirational through the development of our Education Strategy. What the model is not, sir, is the Strategy. I have said that many times before and will continue to repeat that our preferred option, in fact any model, for that matter, is not what will drive improvements in educational outcomes, it is the Strategy that will do this.

2025 Sir, Members have heard me emphasise the word 'our' here and in previous presentations as we truly believe the Strategy is a collective effort. Our Education Strategy will help deliver our vision for education, which is that it should foster and build self-esteem, creativity and confidence so that all learners can flourish and thrive. It should equip learners with the knowledge and skills to help them achieve their aspirations. It should instil a commitment to participate within the community as a responsible citizen and it should be enjoyed so that we build a lifelong passion for learning.

2030 So, let me expand on that a little. Our Education Strategy will help ensure that we achieve equity, safety and inclusivity in our schools and post-16 settings, meet the needs of our communities, deliver high quality learning and excellent outcomes for all learners and provide outstanding leadership and governance.

2035 Educational outcome measures are broader than just progress and attainment. For example, being able to participate effectively in our community and promoting positive mental health and wellbeing. Most importantly, there is no evidence that sixth forms attached to schools are necessary for doing well or that they improve teacher recruitment and retention, despite an overload of political rhetoric to the contrary, and it has been just that, rhetoric.

2040 I have already pointed out some of the anticipated future changes, a very different employment landscape, ageing demographics, ongoing fiscal pressures and potential population changes. But there are also lots of unknowns. We believe our proposed policy actions will deliver a system of education, which is fit for an uncertain future.

2045 I have already pointed out some of the anticipated changes in our future. We believe our proposed policy actions will deliver a system of education fit for that uncertain future. As an aside here, early in June, BBC Radio invited guest speaker educationalist Professor Justin Dillon from the School of Graduate Education, Exeter University, and Grainne Hallahan, an education policy researcher and content writer for the *Times Educational Supplement*, both of whom started their careers as teachers.

2050 There was a conversation cautioning against simplistic assumptions, tying class sizes to attainment and the need to ensure quality of teaching, as well as stronger, earlier interventions. There were comments about smaller class sizes benefiting younger students and this is really important because this is not the case in Guernsey, where our primary students are in larger classes than our older students in secondary. In primary, precisely where the early interventions need to happen.

2055 It must be remembered that our Education Strategy covers all phases of education, not just secondary. So, we have chosen sites for our three 11-16 schools, which can flex and expand to meet any increased future demand, should Guernsey change its population policy. Each school would have capacity for up to 780 students but projections indicate that a maximum of 720 to 740 would attend each site, after the transition period to the new preferred option. Each school will have six forms of entry.

2060 What I really want to focus on for a minute is our post-16 campus that will offer a stimulating learning environment for young and more mature adults and so the whole of our community meeting upscaling and training needs as people's careers evolve. Professor Justin Dillon knows our Channel Islands and has researched our Guernsey situation. He said that the cost benefit analysis of having a sixth form centre in Guernsey is such that it offers far more potential for education outcomes than the current situation.

2065 I took the opportunity to speak to Professor Dillon further after his interview. We had an interesting conversation where he told me that the pandemic and the resulting lockdowns had

2070 made people rethink the purpose and values upon which education decisions are made, where we are heading and what the key decisions are that we will need to make.

Using the words of well-known leadership expert Simon Sinek:

To play it safe means you will always end up with mediocrity.

2075 And that is just what we are doing because we are looking to rethink and whilst ensuring that we have a system with inbuilt sustainability, security and certainty for the future, we are today and through this policy letter laying foundations ready for operational delivery in September 2024 and that is why we have not set out a significant level of operational detail in the policy letter.

2080 It is not for politicians to decide how schools are run, how best to recruit and retain staff or what the curriculum should be. That is best left to the experts in the profession, senior educationalists leading and working with staff in our schools. Instead what we have described is our ambition for a modern, fit-for-purpose delivery model for secondary and post-16 education. We want our education advisers and staff to collaboratively work up the education delivery plan, the strategic delivery plans, which together they will implement.

2085 So, let us talk about staff surveys, views of the unions, engagement and, importantly, change management. We have undertaken further engagement and continue to deliver on our commitment to do so post-decision. Because not only is that the right thing to do, because that is when the real work begins, doing the detail *with* staff, not to them.

2090 A timeline of previous engagement events has been published and is available to view on the Government website. Questions asked by staff as groups in schools, individually, in school settings, at regular drop-ins since half-term have been answered. We are providing support to staff to help them through the step changes.

2095 Change management is going to be crucial and it is imperative that staff feel well-prepared and supported through this period. This extends also to students and their parents and carers. It is those schools who are most affected by the changes, whose community need the most focussed support during the transition and they will receive it.

We are alive to the significant challenge ahead and we will rise to that challenge. This programme for change has been blighted by an inability to translate policy decisions into action for the past part of a decade. I am calling on all of you to get behind us and become part of this solution. We have a real opportunity here. Let us not waste it.

2100 During the last six weeks we have published a thematic document arising from engagement with staff, which also listed areas where staff had influenced the content of the policy letter. We acknowledge the recent results of an informal staff survey but we also know that staff like aspects of the preferred option and this has been recognised in the engagement sessions we did and by the unions.

2105 We have received positive comments from many in the profession and from many in the community about the equity of locating the sixth form away from any one of the 11-16 schools, preferring instead the shared post-16 campus. We know also that there were concerns about the financial viability of the preferred options, governance and sixth-form staffing.

2110 So, let me say more on these matters before I return to the survey. We have undertaken significant proof of concept modelling. We know our proposals are financially viable. More than that, we know they will allow us to release significant revenue in ways which will not negatively impact educational outcomes and, subject to the relevant approvals, which we fully intend to invest, reinvest in crucial elements of the education system where there has been under-investment or there exists a lack of parity.

2115 Areas such as professional development of staff and ensuring we embed inclusive teaching practice so that SEND students, who account for 25% of our children in mainstream schools, become the norm. Because we want and our children deserve a system where no child gets left behind. We also want to reinvest in literacy and digital literacy so that when our young people leave education they are well-prepared for the next phase of life.

2120 We want to reinvest in the wellbeing of children and young people, so that they are resilient and ready to face the ups and downs of adult life and in the long run this reinvestment has positive knock on effects for our health, social security and justice systems too. That is the type of education system we want to create.

2125 I will talk more about the governance arrangements in a minute but let us explore staffing in the sixth form. Our proposals ensure that staff have the opportunity, not only to teach 11-16 students in an equitable system but, also, for those who wish to, to take up the opportunity to teach into the sixth form. For some, this option will be opened up straight away. For others, it will be part of their career development plan, bringing resilience to our workforce.

2130 We have thought about the need to ensure that staff feel a sense of belonging to their home school and that there is a core staff group whose home is the Sixth Form Centre, so that students have access to pastoral support that we know is so essential. Is this change a change from the situation today? Yes. Does it introduce more equity for our workforce as well as our students? Yes. Will the detail need to be worked out? Yes, but with our school leaders and our staff. And is this change a reason not to vote for our proposals? No. Because similar flexibility will need to be built into all the models you have on the table before you.

2135 So, let me return to the survey conducted by staff in secondary schools. If we read it properly and I note the BBC corrected the way the outcome was being interpreted by interviewees when the survey was discussed a few days ago, it shows that when we take into account those who did not respond and those who supported our proposals, 46% of secondary school staff do not support the proposals; 46% do not support the proposals. This is disappointing. But is it really a surprise or a reason to stop going forwards?

2140 We are having this debate because we have different views here in the Assembly. Is it any wonder that our workforce has different views too? We would not be so conceited as to ignore the survey altogether. We do know, however, that it has been a difficult 18 months for staff, leading in some cases to exhaustion and demoralisation. We have seen this ourselves and we are truly proud of the work they have done to keep our children educated during these really challenging times.

2145 Staff have, and their union representatives have, ventured on numerous occasions that it is not their role to choose the delivery model. They have stated clearly it is up to politicians to do this and for politicians to set the policy. They have made it clear what they like about our proposals and I do not say this to diminish the role and importance of our schools' teaching staff. They are one of our greatest resources and the quality of the teacher is arguably the number one influencer of the educational outcomes of our students.

2150 We have almost 180 teachers across our secondary partnership, assisted by more than 100 support staff, and their focus is, quite rightly, the daily delivery of excellence in the classroom. We need to ensure that this part of our workforce is valued, that we listen to their views and that we invest in them so that they can excel in their chosen profession. We recognise that our teachers are hard-working, dedicated professionals, doing their best for education in the Island, with honestly held views based on their professional experience, and we are grateful to them for their forthright honesty in raising their concerns, which we will continue to address.

2160 But we are not designing a secondary and post-16 system for 300 or so staff. We are designing an education system for the thousands and, in the fullness of time, if we invest in a future-proof design, for the tens of thousands of students who will pass through it. Their union representatives have made very clear in meetings with the Committee and when speaking to all of us recently at the Castel Douzaine Room that it is neither their place nor that of their members to design the education system as that is not their role or area of expertise.

2165 Responsibility for moving the Bailiwick forwards via new and ambitious, far-reaching proposals for secondary and post-16 education, sits squarely with this political Committee and that is what we are committed to doing for the students and their families going through the system today and in the future and that includes our post-16 learners across the Guernsey Institute.

2170 We have tried incredibly hard to bring staff with us and have engaged extensively with them. We know change is uncomfortable and therefore it is critical that we continue to support our staff

through this transition. Involving staff in finding operational solutions and maintaining engagement with them will also play a huge role in our future efforts. For example, staff in the programme team are again visiting secondary schools this week to capture more feedback so we can continue to provide answers to questions raised.

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However, what is quite clear from our engagement with school staff, is that where there is opposition it is very much linked to what staff want to happen at their current school when changes are made and this is completely understandable, as staff live and breathe their school community and many are very happy with the system that they know so well.

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We have seen La Mare staff, understandably, campaign for their school to be rebuilt and that is the basis for their opposition. We have seen staff from Les Beaucamps express concerns about the preferred option, very much linked to space and their concerns about the planned increase in student numbers attending their school, compared to the significantly under-capacity numbers they have been used to and we will be busting some of those myths as we go through debate.

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We have seen staff at the Grammar School and Sixth Form Centre strongly express in sessions with us that they oppose the moving of the Sixth Form Centre to create a post-16 campus and believe its delivery should remain part of their school's sole remit. Our engagement sessions with some staff at St Sampson's were very positive but we have of course not heard from them collectively. Nor have we heard from the Guernsey Institute staff, who stand so much to gain from such an exciting campus that we would create at Les Ozouets.

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The reality of course is that staff have opposed every other option the States has tried to introduce. If, as the situation around secondary and post-16 education moves closer to resolution, you take the view that staff are also opposing our preferred option – and for the record I do not take that view although I do think that staff have concerns about how this option will affect them and their roles and we will have to work incredibly hard to reassure them and prepare them for change as the transition process progresses – but if you do take the view of opposition then we have to also face the fact that this will be the third preferred option in four years that staff have opposed. The third preferred option in four years that staff have opposed!

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Can it be that all these preferred options are terrible or not right for Guernsey, in spite of the fact that each is operationally possible? Or does it highlight the hugely significant work that is needed for us to support staff through change? Some staff who enjoy working in each of the schools understandably want things to remain as they are but doing nothing is not an option for this Committee and nor should it be for this States.

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It would require significant investment, given the standards of some facilities compared to others, to effectively stand still. Moreover, it would not unlock much-needed revenue to invest back into the system in ways that would make a real difference for our students and their teachers, not to mention that a do-minimum position is completely lacking in ambition and does nothing to tackle the iniquity in the current system, or futureproof our system for the changing economic world.

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I am very sure, if Members decide to adopt a different option to that which we are proposing there will be staff opposed too, in the fullness of time, as the details emerge. At some point we have to say enough. At some point we have to say this is what we are doing, how can we work together to ensure its success? We say that time is now with the options set out in our policy letter.

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We know that unions want to follow agreed procedures and this means that they want to ensure that previous processes for the closure of schools, and it has been cited on more than one occasion that it is those used for St Peter Port School closure many years ago are followed. We are guided in these matters by HR advisers and employment specialists and in order to ensure that there is a constructive forum in which to discuss matters with unions and drive them forward, we have reinstated the People Advisory Group used in the previous term and a couple of months ago now we developed a timeline of key milestones and outline processes that the unions have seen, to ensure that there is a clear pathway through transition.

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Unions have mentioned that they want to have a clear set of principles about redeployment and job protection and job allocation. These are the details we want to work up with staff in our schools.

2225 We have been very clear that this must all be done *with* staff and not *to* staff. It is an odd thing, though, to be stopped in our tracks as politicians in setting strategic policy because we have not got into the granular details about staff transition before we agreed the policy. It would be entirely wrong to get to the point of bottoming out those details in advance of a policy decision being made. The hard work on the detail starts once we leave this Chamber with a decision.

2230 Now, let us talk about that review. There continues to be a small number of people, including some here today, who call for the review because they felt disappointed not to have received it and I have every sympathy with this because there was none more so disappointed than me, sir. What was delivered by the outgoing Committee was nothing short of unusable. The States have by majority realised this and decided not to continue with it, acknowledging that it took us no further towards a solution.

2235 So, I understand why some might feel frustrated by that, but a democratic decision was made not to progress it. So, why would we continue with a review, which was not conducted in a way which would enable us to get the most objective view of the preferred options on offer? Going back to the 'pause and review', I can advise, sir, that my preference, indeed the preference of other requérants, was to follow the recommendations of senior officers in Treasury and that the best way to deliver this was via an economic case, which is part of our green book process.

2240 This economic case ensured that a wide range of investment options are evaluated and that the preferred option optimises value for money. But the then Committee chose to deviate from this and set in place varied assumptions, based on equalising facilities, strategic goals and using the two-school preferred option as a benchmark, which to my mind created a nonsensical review of no use to us in achieving the objective appraisal.

2245 I just want to point out there I am not using the word nonsensical there as a pejorative. It just lacks in sense. What Members have received in the policy letter before them, what we will hear in debate over the next few days with the various amendments will allow us to have that objective debate, which the by now infamous and skewed incomplete review would never have enabled us to have.

2250 So, against this backdrop, Members, I would like to talk to you about investment into the 11-16 phase and what we are doing to improve outcomes via our Education Strategy, which is overarching everything that we are doing in education. We are investing in the development and training of our staff, so that they can continually improve their practice. We are empowering our senior leaders to lead their schools and not making decisions for them, which reduces their professionalism and undermines their ability to run their schools in the best way.

2255 We are rebalancing the budget to ensure that we are investing the right amount into primary and early years so that children coming up into senior school have excellent literacy, numeracy and digital skills, so that they can access learning in the 11-16 phase much more easily. We are reinvesting, again, by rebalancing the budget in SEND provision to ensure that we have dedicated co-ordinators in primary, which we know make a significant impact on the learning outcomes for the 25% of our students with a SEND determination, most of whom currently attend our mainstream schools.

2260 I would now like to talk about the secondary school partnership and devolution. When our Committee says we are leaving much of the detail about how the schools in our preferred option will run to the professionals, the leaders and staff who work with our students every day, that is not a cop out or a sign that we are somehow not aware of the issues, quite the opposite.

2265 It shows how aware of the issues we are, how aware we are of the background to this long-running debate and how we, as a Committee, are seeking to do what the States should have done a very long time ago, ensure that our focus is on strategic policy, rebalancing the conversation so that politicians are not bogged down into operational detail, which few, if any of us, are qualified to really understand, but can remain open-minded, curious and challenging as we seek to set a direction for the kind of high quality education that our Island needs.

2270 We need to trust our leaders to find solutions and sometimes this means that we might need to challenge the way in which they work, especially if we are setting out a vision, which seeks to

respond to new complexities and the changing needs of our Bailiwick. That ties into the separate conversation of devolution and governance. We are eager to explore how we can achieve this for Guernsey as part of our ongoing work on the Education Law.

2280 I have said we need to start envisaging a Guernsey where we have empowered our school leaders to the extent that we can give them a cash budget, tell them how many students they can expect for the year, allow them to organise the teaching and learning in their own settings, give them targets for achievement and measures of success.

2285 They need more freedom, with which comes more accountability and we are seeking ways to deliver this. It is complex but I am confident that we will find the right solution for Guernsey. We are a Committee that now understands some of these complexities and, sir, in turn, we have invested considerable time and resources ensuring all States' Members have had the opportunity to be fully prepared for this debate by sharing much complex detail about our education ecosystem.

2290 I would argue that no group of States' Members has ever been more prepared for this type of debate than this one. We have put on a series of webinars and presentations giving significant access to the senior educationalists advising the Committee. The sessions have totalled approximately 10 hours devoted to helping States' Members understand the key issues.

2295 Reminders and links to these sessions have been circulated several times so that no one misses out on the valuable content that we have delivered that is hugely relevant to Members' understanding and level of competence in tackling a debate of this type. I must at this stage highlight that the Committee and indeed the States have been incredibly well-served by the very experienced senior educationalists in our service, many of whom I have never worked with before.

2300 These are staff who are not experienced just in the classroom, teaching and running schools, but also overseeing whole education systems and designing education policy. These individuals cover the whole spectrum, with many years of experience advising education authorities and training teachers, working in primary school leadership and holding nationally recognised curriculum expertise, post-16 expertise and having taken the lead on successful devolved leadership in secondary education or expertise in SEND and inclusion. And of course the additional and experienced educationalists in our transformation programme team.

2305 Our central team has more than 100 years of combined educational experience between them. If these professionals thought that our proposed option simply would not work, they would have told us so. We plan to empower our school heads. It has been agreed in successive debates that it is up to the school leaders and subject leaders to decide how to arrange their curriculum and how to arrange their classes.

2310 Let us talk about, now, our vision for Lez Ozouets campus. Members might have seen on the table outside the Chamber today, that we have a lovely 3D scale model. We want to create a stronger, more resilient offering, broadening opportunities and education pathways for our students from 16 years onwards. We want the Les Ozouets campus to bring together the Sixth Form Centre and the Guernsey Institute, which is already bringing together the College of Further Education, the Guernsey Trading Agency and the Health and Social Care Institute.

2315 This brand new, fit-for-purpose campus for all post-16 education, will provide a mature learning environment, with bespoke, high quality facilities for both further and higher education students of all ages. It is an uncomfortable truth that some within our community place a higher value on academic qualifications than on technical, professional and vocational qualifications. This decades-old legacy stems from the value that we place on blue collar versus white collar professions and has existed not just in our Islands but also further afield.

2320 We know that A-levels have done a great service for many of us in terms of academic pathway to university but that is changing and universities now accept technical, vocational qualifications in equal currency. This outdated thinking is of a bygone age and does a huge disservice to our staff and students and, given the value that this Island derives from the skills-based workforce across all sectors, is simply illogical and wrong.

2325 The reality is that no society can function without a workforce without a rich blend of skills and knowledge. We want to take that very first, important step to changing that culture and ensuring



2330 all students, no matter their chosen pathway, enjoy the same level of esteem. Our post-16 campus, which will act as a centre of ambition and aspiration for all learners progressing from our 11-16 schools, because there will no longer be separation at 16, depending on their pathway choice. They will all be together.

2335 All of this is very relevant for the whole Bailiwick. Think of the benefits for young people from our sister Island Alderney. When they arrive here in Guernsey, it is often difficult for them to settle, being away from home. Joining the post-16 campus, where everyone has graduated from secondary school, is just one less hurdle for them to deal with. They will be together on the same campus as a group, rather than split up, and I know, from my own personal experience, having gone to University in Japan, how difficult it can be to study away from home as a youngster.

2340 Going every day to college and knowing you will see faces from home makes staying in new accommodation with new people just that much easier. Like us, Alderney needs to have a stable and successful education system to retain and attract families. This is what we are providing them with.

2345 Co-location will enable all our 16-year-olds to benefit from the same shared extra-curricular and enrichment activities, enable combined pathway programmes of study across technical, professional, vocational and academic pathways to be delivered more easily and allow for a joined up approach to employer engagement for all post-16 learners.

2350 We do not know what the future holds in terms of all the different job types that will be available in the years to come. Few of us could have predicted the changes that we have all experienced over the last 18 months and the impact that those will have going forward. By creating a single campus it caters for all our post-16 and adult education learners. We are looking to futureproof the system and create something truly special for our Bailiwick.

2355 Our preferred option maximises access and opportunities for all students in a way no other preferred option on the table here does. It does by ensuring an even number of forms of entry for the best curriculum delivery, ensuring that schools are the right size for the Guernsey approach so that children are not lost in larger schools, maximising opportunities in the post-16 environment with the co-location of the academic and tech vocational pathways, where the organisations are juxtaposed, conveniently sharing facilities, so that operational synergies are found for the best advantage of the student, not just in their daily experience on campus but also towards the aim of ensuring they reach their potential and ultimately are ensured the best educational outcome. The secondary school partnership ensures that there is a partnership working across our 11-18 delivery.

2360 Let us just step into an insight of the conceptual design for Les Ozouets' campus. The creation of a post-16 campus where a Sixth Form Centre and the Guernsey Institute look to maximise operational synergies and share communal spaces whilst remaining separate organisations recognises the increasing maturity of post-16 students.

2365 A 16-year-old can get married. We have given them the vote. We acknowledge them as young adults in training, yes, but not really as children. We also recognise the vital role that the post-16 education plays in building the human capital and that is the value of knowledge, skills and experience of our young adults, which the economic recovery and long-term prosperity of our Islands relies upon. This campus will give our young adults the right environment in which to thrive, where they can learn, develop and be supported alongside mature students of all ages.

2370 We have done conceptual design work on the campus plans and today you will be able to see that 3D physical model of the campus outside, which includes the co-located sixth form. That has also been shown to all staff at the TGI and in our secondary schools. So the modelling and proof of concept work we have carried out on the site demonstrates what can be done and is an indication of the final plans.

2375 There is a possibility for the sixth form and the main Guernsey Institute blocks to be physically linked if that is preferred. We have a separate construction and engineering block and sports building. The orientation of the concept design makes the most of the natural light on the site and the configuration creates two outdoor plaza areas where students can socialise and, for example,

2380 might even host outdoor theatre or cinema performances put on by our creative and performing arts students.

But there is more than just a sharing of social space. Conversations are ongoing between the senior leaders of each sixth form and the TGI, exploring further possibilities to share space, such as a central library, a digital lab, photography lab, sports facilities, eating and break out spaces and more.

2385 The scale of the campus gives us opportunities for enhanced onsite pastoral wellbeing and health resources for students. The option we have put forward is the only way to deliver the promise of an enhanced provision for our students, which increases the sense of esteem and confidence for all our post-16 students that we know is a pre-requisite for future success, as it is a barometer of capability.

2390 Among the top traits employers look for when hiring or promoting a candidate are inter-personnel skills, professionalism and enthusiasm. All by-products of confidence. Ultimately, employers benefit from confident employees because they are positive contributors, more productive, good motivators and make great role models. We know that confidence breeds success. We want our Island to be successful.

2395 So, let us turn now to the capital costs of the preferred option. Construction costs of £29 million. Programme costs of £10 million. Decamp costs, £3 million. Transport, £1.5 million. It is a total capital of £43.5 million, as detailed in our policy letter. To that we have included an optimism bias of £10.5 million, as is part of our process.

2400 Just to walk through the construction costs, which include a sixth form built at Les Ozouets, as part of the overall development of the site into a post-16 campus in one single phase development, which opens in September 2024, it includes remedial work carried out at Les Varendes, it includes: the swimming pool at Les Varendes being repurposed to accommodate services displaced from Les Ozouets; the music centre; the Youth Commission; SHARE, that is our sexual health services; the CASS base, which we built in the lower car park at Beaucamps.

2405 Turning to the programme costs, these include the planning and management of the programme, including the development of plans and budgets, resourcing the project team and the management of dependencies, risks and issues. The design of the staffing structures for the new model and the transition of existing staff into the new model. The consultation, engagement and communication, which is so vital for stakeholders during the transition process. The design of the new facilities and the management of the tendering construction process and finally the development of business cases in order to comply with the States' capital approved process.

2410 So, subject to the approval of the proposed model by the States in this debate, these estimates will be the subject of more detailed development, in line with our processes, in order to refine those costs.

2415 Now, let us look at the revenue costs of the preferred option. Going from four separate sites to three and a co-location, we fully expect our model to produce revenue reduction versus today's budget, but we will not commit to the extent of those until we have worked up the details in consultation with staff. We want proceeds of revenue to be locked in to be ploughed straight back into the system for the benefit of students.

2420 As you will be aware, the policy letter is silent on the detail of revenue savings, which can be achieved through our proposals for secondary and post-16 education. This is because the modelling has been done at a very high level and needs to be carried out in much detail before being able to give any firm commitment on the exact potential savings.

2425 However, we are confident that any potential for savings and reinvestment in the system are substantial and we intend, subject to discussion and agreement, to reinvest these savings to improve the whole education system, to improving literacy and digital literacy, improving our SEND provisions in school, staff professional development for all staff in all schools, which has been woefully under-invested in.

2430 This will be done with a view to reducing ongoing revenue costs in other areas such as health, social security and justice. High-level modelling, which has been undertaken by the finance team

working collaboratively with education colleagues will need further work as we progress through the required business cases.

2435 Many areas have been looked at in regard to the costs of the new model, such as operating income, staff costs, training, repairs, maintenance and utilities. (*Sirens sounding outside the building*) I will just pause. This high level work indicates potential savings in excess of £1 million. That is *per annum*.

2440 However, there will likely be elements to be reinvested within secondary transformation, so it is far from a firm commitment to deliver all at this stage. Other models, which are being debated this week, claim to be more efficient than the one proposed in this policy letter. However, it is simply not possible to both reduce class size tipping points and deliver the savings that our model will.

2445 It is also by no means certain that those other models will deliver on improvements to SEND provision, digital illiteracy provision and much-needed staff professional development. So, whilst they make promises now, the simple fact is that they are not realisable. Our new education system must be about much more than the *status quo*, which staff want to protect, as it will impact on thousands of Islanders. We therefore need to be ambitious for the future of the Bailiwick and use public money to best effect to do this. Our model delivers on all counts and is a viable and deliverable model. It is the best way forward, educationally, and fiscally.

2450 In conclusion and lastly, I would like to take a minute to reflect on what our preferred option can promise. For students and staff, a feeling of belonging where students are not separated because of their choice of learning pathway. A system that allows staff and students to grow confident in themselves. We can deliver this preferred option within the current revenue budget, including investment in staff, career professional development. We will start a cultural shift, recognising that all post-16 pathways are equally valuable to and valued by our community.

2455 This in turn will allow students to find their path and become who they want to be, to fulfil their potential time and time again as they change career direction during their working lives or learn new skills to pursue different hobbies and interests. The removal of selection at 11 meant that secondary and post-16 education would inevitably undergo a period of change. This change should not be based upon merely convenient management of the existing estate, but on solid educational policy, striving for continuous improvement in educational outcomes and a firm focus on the future.

2460 Sir, I ask for States' Members to support the Committee, invest in our children and endorse our policy proposals. Thank you.

**Deputy Kazantseva-Miller:** Point of correction, sir, if that is allowed.

2465 **The Bailiff:** I am afraid it is not at this stage, Deputy Kazantseva-Miller.

**Deputy Kazantseva-Miller:** May I ask if it is allowed during an opening speech?

2470 **The Bailiff:** Yes it is.

**Deputy Kazantseva-Miller:** It is allowed. (**The Bailiff:** Yes.) Thank you.

**The Bailiff:** Deputy Le Tocq.

2475 **Deputy Le Tocq:** Sir, I would like to move a motion under Rule 25 that the Assembly sit in committee.

2480 **The Bailiff:** Would you like to explain why you would like to propose that the States should sit in committee, pursuant to Rule 25?

**Deputy Le Tocq:** A very good question, I am glad you asked. Sir, I think this is a complicated debate and it was partly because of that that Deputy Cameron and I tried to put together a

2485 composite amendment but we were not, obviously, because of the timing, able to put all of the various options in that composite amendment. Sitting in committee, sir, I believe would give the opportunity for Members to discuss in general all of the things that are on the table and then come back to the amendments in terms of taking them in the order that you have prescribed, sir, for the votes. By so doing, Members would be able to speak more than once during the committee stage of that debate before it was closed.

2490 **The Bailiff:** I am going to turn to Deputy Dudley-Owen, as the President of the Committee for Education, Sport & Culture, for any comments that she has but then I am minded not to have an extensive debate on whether to go into committee or not but simply put the motion to you. Deputy Dudley-Owen.

2495 **Deputy Dudley-Owen:** Sir, I feel that this is not a good way, transparent way and a clean way to hold the debate. Members have put in a lot of work and time into their individual amendments and I think that they deserve their day in court to be heard, to open on their amendments and to close on their amendments in a clean way, so that Members also understand what they are actually voting on as well. Because debates in that way can start to become rather confusing.

2500 So, I really do think that we should afford Members the opportunity, especially since we have got a large amount of new Members in the Assembly, to be able to explore these issues, issue by issue, amendment by amendment, whether it is Deputy Cameron's preferred option, whether it is Deputy Le Tocq's preferred option or Deputy Leadbeater's preferred option. Allow those debates and those conversations to be had in isolation from each other, so that we can really get to the issues.

2505 I really do not agree with this approach and I do see this as a way of getting the wrap-up amendment, so-called, which has been lodged at the end of the debate, I see this as a way of getting it back in. I think this is going to be a real low point for our democracy today if we do not allow each of the movers of each of their amendments to have their day and stand. (**Several Members:** hear, hear.) Thank you.

2515 **The Bailiff:** Well, Members of the States, if I just explain very briefly for your benefit what the effect of a vote Pour to the motion, pursuant to Rule 25 of sitting in committee would mean, is that no vote could be taken whilst the States were sitting in committee. So what would simply happen is that one would defer to after the time that the States ceased sitting in committee, if it were to be successful, the debate that would then follow.

2520 So, each of the amendments would then be placed in exactly the same way as before, if the proposer and seconder of the amendments in the light of the discussion that would be had if the States were to sit in Committee felt that it was appropriate to do so and they have been marshalled by me in the order that you can see on the agenda, of 3, 1, 5, 2, 4. Sounds like lottery numbers!

But you have heard from the proposer of the motion, Deputy Le Tocq, and you have heard from the President of the Committee. As I say, I am not really minded to ask anyone else to contribute to the debate but if anyone had a really urgent desire to do so ... Deputy de Sausmarez.

2525 **Deputy de Sausmarez:** Sorry, sir, it is just looking for further clarification because I know it is a procedure that people are not particularly familiar with. So, the purpose, as I understand it, is that by sitting in committee all amendments can be debated alongside each other, but you referred then to then we would effectively stop sitting in committee and then each amendment could or may or may not be laid and so the clarification I am seeking is as and when each amendment is then laid, a debate would still be had and a vote would still be taken?

2530 **The Bailiff:** That is the process that would follow. So, if the proposer, let us take amendment 3 – Deputy Leadbeater and Deputy de Lisle – as an example, if as a result of the debate it was felt this

2535 does not stand any realistic chance of being successful, they do not have to lay that amendment.  
So that would be the choice.

2540 But if they wanted to, then the amendment would be opened formally and there would be a debate on that amendment formally, there would be the closing of it and then there would be a vote on that amendment and each of those would happen in turn. So, I am now going to put to you, Members, the motion that the States now sit in committee, proposed by Deputy Le Tocq. Those in favour; those against?

*Members voted Contre.*

2545 **The Bailiff:** I am going to declare that lost. Therefore I am going to invite Deputy Leadbeater, if he so wishes, to lay amendment 3. Deputy Leadbeater.

[Amendment 3](#)

*To delete the Propositions and replace them with the following:- "To direct the Committee for Education, Sport & Culture, within 6 months of the award of the examination results of the first non-selective cohort of States-educated children, to submit a Policy Letter together with suitable Propositions which contains –*

*(a) a review and assessment of the impact on the level of exam attainment of States secondary pupils taking into account the move away from the 11-plus selective system of secondary education, and*

*(b) in the light of that impact on attainment levels, proposals for the future provision of secondary and post 16-education by the States.*

**Deputy Leadbeater:** Thank you, sir. Could I ask for it to be read, please?

**The Bailiff:** Greffier, can you read amendment 3, please?

*The Deputy Greffier read out amendment 3.*

**The Bailiff:** Deputy Leadbeater.

2550 **Deputy Leadbeater:** Thank you, sir. This amendment is borne out of discussions that Deputy de Lisle and I individually have had with many people but, more importantly, teachers and staff, and also students and parents and other stakeholders, since the publication of ESC's proposals and in the run up to this debate.

2555 Here, we have tried to represent the views of those we have spoken with in a way that will allow the full and comprehensive review that many are asking for, to conclude before we do anything radical, such as close our consistently highest achieving all-ability school. This does not kick the can down the road, sir, as some may automatically assume. No, it provides us with a clear timeline for how we can conduct a comprehensive review that will absolutely determine where we are now in order for us to then determine can we do better and if the answer is yes, then is the time to determine how can we achieve this and then make those decisions on what that change looks like.

2560 I am not going to prejudge the outcome of the comprehensive review that this amendment seeks, sir, but I am 100% sure that we will be in a far better position to decide on the configuration of our future secondary education estate at that point than we are now at this point. In the UK, because they have recognised the massive importance of a school to the community it serves, they have strict policies and protocols when it comes to closing schools. This is from the National Audit Office. It rambles a bit, so I apologise.

2565

The Department for Education and Skills and Ofsted use several definitions to identify schools that are performing poorly and in need of additional support. Among the 1,557 schools included under these definitions are 242 schools that Ofsted has judged as failing to provide an acceptable standard of education. National initiatives and local action are helping to

reduce the numbers of these schools, according to a report published today by the National Audit Office. However, more can be done to prevent poor performance in the first place, to speed up the policy of improvement of poorly performing schools and also that of supporting improved schools in sustaining their achievements.

This is UK policy. 'More frequent Ofsted inspections ...' blah, blah.

The government spent around £840 million last year to help prevent poor performance and turn around schools, excluding the cost of academies. These initiatives had an effect in that fewer primary and secondary schools are failing to achieve targets for minimum pupil achievement.

Around 85 per cent of schools recover after being put into Special Measures, benefiting from good support from Ofsted and their local authority, and the remaining schools close.

2570 That is how you have to close a school in the UK, it has to be poorly performing. They have policies in place to protect the highest achieving schools, such as La Mare, from being closed. They have policies in place to invest in high achieving schools such as La Mare, in order to help them maintain those high standards and progress even further.

2575 In Guernsey, we have a Committee *for* Education, Sport & Culture, that can sit down for six months, bring proposals that are not universally accepted by the public or profession, to an Assembly of 40 randoms like us here today and then we have a massive bunfight over 11-18, 11-16, co-located sixth form, this site, that site, and politics over process decides the fate of our schools, which is quite bizarre, when you think about it.

2580 It has become clear, with all the different rhetoric coming from all of the different areas of interest, that we need a complete, full and comprehensive review and not supporting this amendment is not supporting a full and comprehensive review.

2585 Now, I just wanted to touch on some questions that were asked of ESC by Members; and Deputy Dudley-Owen has provided, thankfully, some answers. We are often reminded that we should be talking about schools here and not about buildings. Quite a few people have said that over the course of the journey that we have been on. In response to a question from Deputy Kazantseva-Miller, Deputy Dudley-Owen says:

As we have said previously, buildings do not create improvements of themselves.

But then goes on in another question to say:

La Mare de Carteret, which is the least efficient building in terms of condition and build due to age, will be decommissioned.

2590 Okay, so no mention of the school, all mention of buildings. All talk of buildings, complete dismissal of a brilliant school. So, we are supposed to be talking about schools and not buildings but we are always talking about buildings, otherwise we would not be trying to close the highest achieving all ability school we have got.

Deputy Dudley-Owen continues further down:

2595 We need the secondary school partnership to be able to focus on the quality of what happens in each school to ensure that students receive the highest quality provision, which prepares them to attain at the highest possible level, while developing them as young people who will make a positive contribution to society.

Well, sir, La Mare de Carteret is already doing an absolutely brilliant job of this right now and I do not think any of us can deny that and certainly the results speak for themselves. The Bailiwick's performance data will tell you that it is propping up the Bailiwick average year on year.

2600 Let us go into some other questions. There is perceived inequality, which is a question that came from Deputy Kazantseva-Miller again, which was a brilliant question. The question was:

The policy letter refers to a perceived inequality of having a co-located sixth form with an 11-16. Can you provide further information and evidence if that perception exists, if that translates into worse outcomes and what positive outcomes you can seek to achieve by removing co-location?

The answer came:

Students who progress through 11-16 phase at Les Varendes, the Grammar School, into Sixth Form Centre, have an advantage due to the familiarity with teaching staff and the school environment, not least because many of the sixth form's lessons take place in the school building and so students are not confined to the Sixth Form Centre. They know the teachers already as they have been taught by the majority during their 11-16 school life. They know the layout of the school as they have been schooled in those same classrooms during the 11-16 years.

They are familiar to the school in every way. We know that approximately 60% of students are those who joined the sixth form from another site and have to get to know the school as well as the staff, in addition to starting their new study pathways in either A-level or IB. Those students are therefore at a disadvantage in having to get to know the staff and the environment. A co-located sixth form and secondary school will benefit from efficiencies, which will benefit only those of the Island's young people attending the co-located school. The Committee wants to create a model whereby all students are treated equally in terms of their post-16 provision, regardless of where they continue on a pathway of academic or technical/qualifications or indeed a pathway that blends the two.

2605 The point is that did not really answer the question because there is no evidence within that answer, because there is no evidence at this point. We do not know and the only way that we can find that evidence is to allow the mixed ability cohorts to go through that system. Because, on the Bailiwick's performance data here, it has got the results from 2017-20 for La Mare de Carteret, Beaucamps, St Sampson's and the Grammar, selective cohorts. So we are comparing apples with pears here and if you look at this consistently, in 2018-19 La Mare de Carteret had 100%, exactly  
2610 the same as the Grammar School. If we should be closing any school by these tables here it would be Beaucamps or St Sampson's.

The point I am trying to make here is we have not got the full picture and until we allow this all-ability cohort to go through the system that we are in now, to build up the data needed, I do not think we should be making these decisions. When this model was put to myself and Deputy de Lisle,  
2615 only a few weeks ago, by educationalists, by teachers, it made sense and I can understand where they are coming from. The more I think about it, the more I speak to people, the more I believe this is the way forward. It provides the review that many are asking for.

Let us get back to some more questions. Deputy Burford:

The additional information that I would most like is that which would have been contained in the complete review, a review that you personally campaigned for, which I promised the electorate I would use to make my decision on the model to take forward. I also campaigned on the basis of a three-school model and will have to think carefully about whether I can support retention of a four-school model.

2620 So, that was the question. The answer was:

There was a democratic decision taken by the Assembly not to complete the review. The review terms of reference were distorted by the previous Committee, tending towards a preferred outcome and not a balanced review against the position today.

Now, for a balanced review against the position today, we need to establish the position today. And we cannot establish the position today until, as I have said, the mixed ability cohorts have gone through the system we are in today. Deputy Roffey asked a question: do the secondary heads  
2625 support your proposals? The answer was:

We have agreed with the current secondary school principals, none of them who have whole educational systems leadership experience, that we will not draw them into the political debate. We do not intend to renege on that commitment.

So that is a no, then, probably. Sir, I would like to finish off just by reminding Members that Deputy de Lisle and I were asked to bring this amendment today by highly respected Members of our local teaching profession. It is not our ideal but we can see the sense in it. So, I ask Members to  
2630 look at the Propositions in the policy letter, look at the amendments, and see, as I do, that as an Assembly, as a community, we are still miles apart on settling upon an agreed way forward. Please

support this comprehensive review, which can finally give us all of the information we need to make that final decision. Thank you.

2635 **The Bailiff:** Deputy de Lisle, do you formally second that amendment?

**Deputy de Lisle:** Yes I do, sir, and I reserve my position to speak.

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

2640

**Deputy Murray:** Thank you, sir. I believe the very wording of this amendment indicates the unfortunate position in education we as an Island and as a Bailiwick have fostered for far too long. The perceived currency of education has historically been promulgated as being exam results. Seemingly in isolation of all other aspects of provision for our young people. It is not just confined to education, of course. The currency of an exam is also used by industry as proof of concept that an individual can work through and exit from their chosen learning experience with a recognised measure of success.

2645

We have to have some form of educational currency, of course, but the value and hierarchy that is applied across the vast range of exams, we submit our students to during their time in education is the inheritance that I first have a problem and which this amendment, frankly, seeks to persist.

2650

The second concern I have – and is actually far more complex and diverse than how many grades an individual was awarded or not – is the assumption that our historic education system was and currently is an equal opportunity for those that experience it today and have experienced it before. To wit, are we and would we be comparing apples and oranges?

2655

The third problem I have and it is the most fundamental of all, is understanding what our educational model is designed to achieve. This is the major difficulty here today, across the entire debate. We are inevitably going to discuss in great detail operational issues, real or imagined, theory and supposition, personal experience and political bias.

2660

There will be facts and there will be interpretations on those facts to suit individual or group narratives. But none of these are within any specific agreed context of what we want or, more importantly, what we need from our education system today and, much more specifically, what that might be in the future, rather than in the past. The navel gazing of which does not move us forward one jot.

2665

We have a functioning system, of course we do, but it is based upon an evolving history, principally borrowed and staffed by individuals from the UK model and this is the point. Despite the vagaries in size, need, complexity and economy of the UK environment, we try to emulate it in microcosm, with less resources, less diversity, less experience and assume that somehow we can use exam results as the sole measure of whether or not our students have been or are successful, rounded, competent –

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

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

2675

**Deputy Leadbeater:** I was going to let it go and pick it up when I sum up at the end but a couple of times Deputy Murray is suggesting I am referring to exam results in isolation but La Mare de Carteret provides success across the piece, from pastoral care right the way through. I touched on exam results because I have the information to hand here. Thank you, sir.

2680

**The Bailiff:** Deputy Murray to continue, please.

**Deputy Murray:** We keep returning to an environment that has prepared them to be valuable members of our society and, very importantly, our economy. The problem, and it is a recurring one,



2685 is that whether or not selection was right, wrong, or indifferent, it had reigned supreme for many decades and when the eventual decision to move from it was made, no plan for its replacement was agreed before the decision was taken. In our *Groundhog Day* attempts to find a stable and able replacement we use inherited buildings, inherited thinking and entrenched views about what the system needs to achieve.

2690 Comparing where we were and where we are going is no longer valid. Further, the opportunities lost and the continuing cost of keeping the *status quo* for a number of years, while we await the vestiges of selection to filter through, can no longer be tolerated. But more than that, our officers have been looking at the spend on all of the reports that we have commissioned and continued to request for Education and that figure is in excess of £10 million. It has got to stop and I cannot support this amendment. Thank you.

2695

**The Bailiff:** Deputy Aldwell.

2700 **Deputy Aldwell:** Thank you very much, sir. This amendment asks Members to set aside the Committee's proposals and replace with a review of the level of exam attainment now we have moved away from selection. Let us be clear, this is absolutely a let us kick it down the road amendment.

2705 Since 2001, we have been in a dilemma of how our education system would move forward. Students have been left in this situation for far too long. In 2015, selection was yet to be debated but we read on the *Hansard* transcript of that year that La Mare de Carteret should have been rebuilt 10 years previously. There were health issues, water seeping through the roof, the buildings were probably riddled with asbestos, it stated it was not fit for purpose. The school was built in the mid-1970s with a shelf life of 25 years. It is well past its best before date.

2710 Sir, I can assure you, having just completed a school inspection with La Mare de Carteret's school committee on 21st June, the students are faced with the same problems. They have not gone away, though sticky plasters have been applied many times. On the visit, it was noted recently the pumps had failed, leading to flooding around the site, which led to the need for flood defences to be put in place in fear of the boiler rooms being flooded and the school closed.

2715 Do we really want to keep students on site with no plans in place until we have results from a review on non-selection exam attainment before we finally make a decision on the future of education? We cannot let our students sit in limbo for a moment longer in these conditions. The benefits of a comprehensive system are far wider than exam results and a snapshot of one year would make a flawed analysis indeed.

2720 Each year group in each school faces different challenges every year. An example of feedback from the Youth Forum explained their thoughts by saying:

People will achieve personal success, which looks different to different people, with GCSEs now graded 1-9 high, we have to remember that there will always be a different starting point for different students. One student may naturally achieve a Grade 9, which is wonderful. But by contrast another student may attain a Grade 4 and that will be just as wonderful an achievement because they have had different starting points. They had different journeys. Personal achievement looks different to different people. Exam results cannot be relied on to tell the whole story.

2725 The Committee's strategy is that education is a success when each child attains the best that he or she can attain. So the question has to be asked, how will waiting for a review of exam results from a non-selective, States-educated cohort be beneficial? To tie a delay of secondary reorganisation to exam results is Dickensian when education and success in education is so much more than exam grades. In any event, one year's grades will not tell us any more, anything meaningful. We would need at least three.

Why do we actually need to delay the Committee's proposals? Our model is non-selective, arranged over three secondary sites of broadly speaking the same size, organised by age range from the feeder primary schools. Not forgetting there will be an autism base in the lower car park

2730 of Les Beaucamps, students coming through the Forest primary base, along with the outreach base in the Chapel on the side, an arm of Les Voies.

2735 The three secondary schools will, as they do now, have a base for students with additional needs and will carry the same broad curriculum with the same opportunities open to all students, known by name and need. Surely this has to be a positive direction? These same students, along with our young adults from Alderney, will then have the same opportunities to move into a post-16 campus together where a broad choice of pathways, both academic and vocational, await them, building self-esteem, understanding that whatever pathway you choose you are a valuable contributor to this Island.

2740 **Deputy Leadbeater:** Sir, I think Deputy Aldwell is straying into general debate.

**The Bailiff:** Deputy Leadbeater, that is not an opportunity for you to say anything unless you raise a point of order or a point of correction. You cannot just stand up and start speaking.

2745 **Deputy Leadbeater:** Point of order, sir.

**The Bailiff:** Point of order, which particular Rule are you saying that Deputy Aldwell is breaking?

2750 **Deputy Leadbeater:** I think she is straying into general debate, but that is probably not a Rule, so I will sit back down.

**The Bailiff:** I think that is probably the wisest answer! (*Laughter*) You are potentially straying into general debate, Deputy Aldwell, and obviously you would not have the opportunity to say these things again as and when we get to general debate.

2755 **Deputy Aldwell:** Surely this is a positive direction for all our students and a delay would only have a negative impact on their journey? Sir, our students have gone through two years of uncertainty, worry and stress with COVID and lockdown. We need to now move, more than ever, and show decisiveness, giving them certainty of their future pathway.

2760 Transition is complex. It takes a huge amount of planning and we have a window of opportunity, which allows for the simplest transition, where students will only have to move once. Our children are the most important thing here, by far and away the most important stakeholders as our future depends on them.

2765 Delay will freeze any progress. Guernsey will be on the back foot as it has failed to enable its young people to have the best, most appropriate education. We will be moving into a workforce, which will be changing or will have changed to meet the changing economic landscape. We cannot allow the inequality of facilities to continue. We need to give our students the guarantee of a clear pathway and peace of mind of transition leading up to September 2024. I ask the Members to reject this amendment.

2770 **The Bailiff:** Deputy Brouard.

2775 **Deputy Brouard:** Thank you, sir. My first thoughts on this amendment was I was going to dismiss it. But then, looking at the proposer and the seconder, and especially Deputy Leadbeater, who I have been working with for quite a while now on Health, and what he brings to the table, I thought I will have another look at it.

2780 I think there is something here and what I would like to ask him is does this amendment give us the review that people like me were waiting for from the pause and review? Because, if it does, this may well be a lifeline for me to come forward. So I would be very interested, when he sums up, if it does this.

I appreciate the words on here, although exam results are one aspect, there are many aspects that could be brought into it because it says 'to submit a policy letter together with suitable Propositions, which contain ...' but it does not exclude all the other different parties. For me, I am a bit disappointed in some ways that I have not got the review bit of the pause and review.

2785 I can appreciate Education have decided what they need to do but I am not particularly interested in the design of the Sixth Form Centre at this stage. What I want to know is whether or not I want a sixth form centre at this stage. This is the bit that comes before and I think Education, for me, have sort of gone on one stage further but they have left me behind.

2790 Sometimes in the States we have to vote for X, not because we want necessarily X, but to avoid Y. I think on this occasion I am going to be very interested to see how Deputy Leadbeater sums up but if he can give me the thoughts that this may well give us the review that we were looking for ... Because, let us face it, we are going to be making a big decision now that is going to be looking at our education for the next 25-30 years out and on that basis I would rather get it right.

2795 I do appreciate what Deputy Aldwell was saying: that the condition of La Mare de Carteret is by far not ideal but it is not about schools it is about teachers. My daughter went to one of the Catholic schools. It was pretty poor compared to some of the other schools. The facilities were very basic. But it was a good school from the teaching point of view and I think we need to remember that teachers are one of the absolute keys in all this.

2800 So I am not so bothered about buildings at the moment, I want that review that shows me which model will give us the best results, not only from academic results but also where they can raise the children's potential to the highest. So I look forward to it in the summing up. But if this does give us the pause and review at this stage, I will be very interested in supporting it.

**The Bailiff:** Deputy Inder.

2805 **Deputy Inder:** Sir, just briefly. It does look like pause and review, a version of it. But I would give a little bit of fair warning to Members of Education, and I do not mean this unkindly, never ever use the maintenance of La Mare de Carteret as a reason not to do something. The maintenance at La Mare, we have been here slightly longer than most people and had myself and Deputy Leadbeater been here longer I think La Mare de Carteret would have been in a better state.

2810 Deputy Leadbeater will, I am quite sure, understand that we spent something like £300,000 on that roof in about 2015, putting on a flat roof. Brand new building. Could not be bothered to paint it, could not be bothered to take the leaves out of the gutters, could not be bothered to fix the drains. I walked round there in 2016, I think, in the burning days of my tenure on that miserable year I had on the Education Department, I walked into portacabins at the back of that room when we were under the 3-5-5, the fiscal cosh that we were under, it was 3%-5%-5%. I walked into those buildings and I am a countryman and I could smell rats' urine.

2820 That is the way the children of La Mare have been treated over the last 10 years. The Property Services or maintenance programme, whatever they do down there, it is an absolute disgrace and has been for years. An utter disgrace. We have let that school, and its students, we have left it casted off from anything that looks like a maintenance programme. I saw people down there, maintenance put down there, that just almost laughed because I asked them to take some leaves out of the gutters. It has been utterly disgusting how that school and those children have been treated over the last 15 years.

2825 It was not on Deputy Leadbeater's watch and it was not on my watch either. Actually, what happened after we left, the cheque book was opened up once we had gone and the previous Policy & Resources spent £1 million, or rather gave the previous Education Committee £1 million, to spend fixing what should have been done 15 years ago.

2830 So we spent almost, what I am aware of, £1 million sorting out the portacabins and at least £300,000 on the roof. So I would be a bit careful using the degradation of La Mare as an excuse because that has been States-sponsored criminal damage in my view. That happens across many areas of our estate.

2835 But getting right to the point of Deputy Leadbeater's amendment, what I would like to know, sir, and again I do not want to be too unkind, if somebody voted to remove selection and as good friends as I am with Deputy Leadbeater, we disagree on two fundamental things, what happened the day after two Assemblies got rid of selection and previous Assembly reaffirmed that decision. I think he said in his speech that he is effectively channelling a few of the educationalists. I think that is what he said. In the explanatory note, the argument being that:

... we need to see mixed ability cohorts move through our current system in order to gather the data needed to establish how it is delivering – and giving us measurable statistics.

2840 One thing he should never do is never give me a chink in the armour because I would have selection back tomorrow. When you were speaking to these educationalists, through you sir, what is so wrong with our system now, what is the problem with the mixed ability cohorts that they have got at the moment? That is what I would really like to know. What was the detail of those conversations and what is wrong with mixed ability cohorts that by a majority a previous Assembly times two wanted so desperately?

**The Bailiff:** Deputy Le Tocq.

2850 **Deputy Le Tocq:** Deputy Inder brings me to my feet in that I think there is a lot to be said from certainly what Deputy Leadbeater has said to begin with and this particular piece of work that is being proposed in this amendment. Deputy Aldwell also alluded to something that became very clear to me, and this is where Deputy Inder comes in, as it were, when 20 years ago I found myself on the old States' Education Council as a pro-selective person.

2855 That was the sorts of indicators that we used to use back then, MidYIS, Yellis, which were sort of attainment indicators for individuals and sometimes year groups as they went through secondary school stages. They came in at a certain level and to see what progress they made during certain years and certain cohorts, certain subject groups and certain types of individuals.

2860 And it was clear to me that those that passed 11-plus and went to the Grammar School, in terms of the added value of that, it was actually very mediocre and compared in the main to the majority going through some of our secondary schools. The added value, the amount of increase, not normally in Year 7 but afterwards, there was a dip in Year 7 and then it would increase afterwards demonstrated that there was greater value, despite the fact that *per capita* we were spending less on those.

2865 Now, there were struggles and certainly I was on the La Mare de Carteret, both the primary and the secondary school committees for several years. When I visited the school very often there were buckets to collect the rainwater around. That is 20 years ago. So, I agree with Deputy Inder in terms of those sorts of things. But as others have said, it is largely down to teachers.

2870 The trouble with assessments of these sorts is they are a little bit like the 11-plus in that they are just a snapshot and whilst it would be good to have the data of where we are as a *status quo*, I accept that, one, it will take quite some time to get that data and, two, I am not sure we can interpret it very well in the light of the decisions that we need to make now.

2875 That is where we could make some mistakes. Because this sort of data, particularly with the smallness of the schools that we have, I think is open to quite significant change and probably even more so now that we have got rid of selection. So, at the moment I am not minded to support it for those reasons but I do think the points that are being made, the arguments behind it, have a lot of sense and can help us if we realise that ultimately the focus needs to be on enabling our students, as they progress through to have the best opportunities – you cannot force any of them – to add value in their education as they move through their teenage years.

2880 **The Bailiff:** Deputy de Lisle.

**Deputy de Lisle:** Sir, I do not think we are at the point yet where we can turn around and make modifications to our facilities, as a whole, the buildings if you like, across the *piste*. We do not have sufficient information, we do not have the time in order to have made that particular assessment. I think in terms of the comments of people have been made on La Mare, despite the older facilities there, and remember there have been leaks in the roofs in just about all of the schools in St Sampson's, in Le Rondin, all the new schools have had those problems.

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But despite the older facilities at La Mare, the teachers, the students and parents have risen to the top and that is a phenomenal fact that we have got to realise before we start making any decisions on whether that is the school to go or whether any school should go. We have got to look at this comprehensively and very closely first.

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That is what this amendment gives us. It has become very clear to the professionals that there is a desire amongst all the educationalists to continue with the current system, the argument being that we need to see the cohorts going through, moving through the current system, in order to gather the data needed to establish how the system is now delivering and which will give us meaningful statistics. Then, at that point, we can compare our current system using this absolute data against the other potential models or ideas of how we might structure the system in the future.

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We have just, really, made a major change, which is to embrace a comprehensive education system, moving away from selection, and this requires a lot of adjustment in itself and, of course, a lot of time. You just have to think of the comprehensive development in the UK and how long it took to get that particular system on board.

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I served in schools in London where there were three scarves in the school, three different schools were integrated. So, it takes time. But this particular amendment is all about the quality of education and maintaining and improving standards of education in our schools, going forward. The investment, the emphasis to equip young people with the knowledge and skills to help them achieve their aspirations and it is not all about buildings. We have got to start looking at the system in a different way.

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There are some costs, true, to this particular option, the £3 million – £5 million in terms of the maintenance that would go in anyway, but the £10 million that is suggested, which could be needed to address some of the issues at La Mare may have to be considered also. But even then it is a lot less money invested than in the other options or amendments.

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At a time when money is tight in these times of great uncertainty, resources in education need to be placed, really, on staffing and equipment to drive up student outcomes. Attention needs to be drawn to educational transformation and not enough has been done in that particular area. The teachers themselves say you have not been investing in the 11-16 schools in terms of the educational side of things and you are still arguing about buildings, which ones should remain and which ones should go. We have just started the process of transformation. What sense is in that?

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As pointed out by the teaching unions, too, compromising space and staffing standards, that rationalisation and using tipping point metrics simply serves to tip the balance against learners – and we are supposed to be here for learners – and goes beyond what dedicated professionals in our schools want.

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Professionals are less interested in models, more in providing teachers with resources to deliver high quality education. This is what we want to see going through our system. It is a matter of attracting and retaining high calibre staff to ensure the young people and the future workforce are well-prepared to take our Bailiwick forward in the decades ahead.

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Now, the teachers say, in many cases that have spoken to us, leave things as they are. They are the professionals. Because it is about retaining the community spirit in our school system and not losing that. The last secondary rationalisation, that of closing St Peter Port School led to a decline in standards as the pupils from St Peter Port were relocated into neighbouring schools: 190 went from St Peter Port into La Mare de Carteret. Only recently has the system recovered from that reorganisation and that influx of students.

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I think it is important to realise that La Mare de Carteret went through a review to deal with that influx and that problem that they had. New staff were brought in after the closing of St Peter Port

2935 Secondary School and the influx of the students, which had a very disruptive effect on the school and it is only now, the last four years, that we have soon that the school has been able to get back and to drive forward and to produce the results that Deputy Leadbeater has been talking about.

I worry about the community spirit in our schools. That community spirit at La Mare and of course in the other schools is very strong. The one in La Mare, of course, is almost a community but it is a community that is drawn from eight parishes, not just one parish. It has served us well in the west but it has served eight parishes in all. It is a very strong community.

2940 It has a unique culture, it has a unique identity as a school and what we could do is to erase that by closing that school and how would we get that back? By going through the same itinerary as we went through with St Peter Port School, putting a whole load here and a whole load over there and hoping that those systems will then integrate those children and develop a culture, again. But how long is that going to take and what happens to the results in the interim? We saw what happened to the results at St Sampson's School and we saw what happened to the results at La Mare de Carteret. They plummeted.

2950 So, my point is that we should not wish the system to befall that again. There is no reason why we cannot continue with the education estate set up and running successfully now, in my view. We can save money by retaining what we have and seeing how the current change works out as we move into the new comprehensive order.

I question, actually, whether the support for pause and review that we had a year or so ago, meant closure of La Mare de Carteret, because we were never told that, La Mare de Carteret Secondary School. We were never told that we were going to have larger classes as a result and that is the one thing that we should not be working towards. It is bad enough dealing with 26 now, in front of you, let alone 28, and more, let me tell you that as a result of my experience.

2955 Then relocation of the Sixth Form Centre onto the former St Peter Port Secondary School site. That does not make any sense. You have got it established right now. It is a very successful Sixth Form Centre. Why interfere with it and take your chances that it is going to work in a new location, when it is already working well in the location that it is in? That does not make any sense.

2960 So rationalisation and closing a successful school has implications all around, as I say, and the need to compromise space and staffing standards in order to save money does not make a lot of sense in my book. This does not alleviate the concerns of the great majority of Islanders, of teachers, of parents, students, trade union officials, to ease community concerns over traffic management, parental and staff concerns over class sizes, educational principles and standards.

2965 We want to build further a world class education system and as we go into comprehensive education we are taking a risk. Look what the UK went through. We are taking a risk, so we need a stable system. We need stability, otherwise things could well go wrong for us.

2970 And there is a desire amongst educationalists to continue to work with the existing facilities we have now, for the moment. It is all a matter of seeing how the mixed ability cohorts work together, how they move through the system and how it delivers before we make drastic changes to what we have now. I ask Members to really think this through. There is no rush to tamper with buildings. There is no rush to close a very successful school. There is no rush to build another sixth form centre when we have got one.

2975 I ask Members to think very carefully. We have got a good system, it is working very well at the current time. We want to see, though, the results. We want to see the actual flow through the system of a few years and then we can take a broader look at where perhaps, as a result of our experience, we can see that we can make further improvements to the system. I thank you, sir, and I ask people to support this amendment.

2980 **The Bailiff:** Deputy Oliver.

**Deputy Oliver:** Thank you, sir. Ah, I stood up a bit quickly there. I have hurt my back again. Sorry! I am a bit confused about this amendment. To me, this amendment is actually almost like a *sursis*, although it does not say it. I am even more confused because on 26th March 2021, Deputy

2985 Bury put in an amendment to the Government Work Plan and I am just going to read it, okay, because this is kind of what this amendment is doing. This is the explanatory note:

In order that the States' Members can make an informed decision about the future structure of secondary education, this amendment adjusts existing Resolutions to make it more flexible so the Committee for Education, Sport & Culture, as soon as practicable finalise and publish a comparative review of the models of secondary education on a like for like basis.

2990 Well, both Deputy Leadbeater and Deputy de Lisle voted against this and then they have come up with this amendment, four months later, to say, actually, no, now I think I want a review. Consultations, as Deputy Dudley-Owen said, have cost the States £10.67 million, just on school education. Now what could we have done with that money for our children? We could have done a hell of a lot more than what we have done with it by spending on consultations.

2995 I do agree with Deputy de Lisle that the staff should have better equipment and good staff but I just do not think that is going to happen with this amendment. It is just going to add to our consultation bill to maybe round it up to £11 million, which is just a complete waste of money. We have been talking about this now for pretty much 10 years and it is going around and around in circles. *(Interjection)* Sorry? Sorry, 20 years. God, that is nearly all my life! *(Laughter)* No, I am a bit older.

3000 But I just think if Deputy Leadbeater and Deputy de Lisle had actually voted for Deputy Bury's amendment I would have had a lot more appreciation because they would not have got what they wanted in the first place? Yes.

3005 **Deputy Leadbeater:** I thank Deputy Oliver for giving way. I just wanted to remind her of the point I made at the end of my speech, which was that I think I said, I would like to remind Members that we were asked to put this forward by highly respected educationalists. This amendment has not come from Deputy de Lisle and us, this has come from conversations in the run up to this debate. So, that might be the disparity why we were not favouring Deputy Bury's amendment then and we are feeling this way now.

3010 **Deputy Oliver:** Well I have been speaking to teachers the whole way through this and back four months ago I could see the positives of having to make sure there is a whole review. But we are at the final decision again and this just feels like last term. I just think we now need to make a decision, whether it is Deputy Cameron's, Deputy Le Tocq's or Deputy Dudley-Owen's. A decision needs to be made. We just keep messing around with educational pieces going 'let us go here', 'no, let us go there', 'oh no, let us go back in', 'no let us go there'. It is just flip-flopping completely.

3015 Can we just please throw this amendment out and actually make a decision and stick with it, because to be honest my kids, two-year-olds, are going to be probably grown-up by the time we actually come to a decision within this States and it is just getting slightly ridiculous. I think it is also like the abortion debate we had earlier. I think all the information we possibly have is stuck in some filing cabinet that if we actually asked for that piece of work, the Committee would give it. I have to say, I have asked a few questions and they have always given me the answers, whether I liked them or not, they have given me the answers. So, please, let us reject this amendment.

3025 **The Bailiff:** Deputy de Sausmarez.

3030 **Deputy de Sausmarez:** Thank you, sir. I will just pick up where Deputy Oliver left off and say actually I think the one big thing that has never come forward is that like-for-like review. That is where this issue is. We are not in a position to make that informed decision and I think that is a very common theme among the people that I have been speaking with, both in this Assembly and very much in the community and in the schools environment.

I am going to start out by talking about –  
Oh, I give way to Deputy Oliver.

**Deputy Oliver:** Can I just say one thing? Most people that want this review were willing to just vote for the two-school model without the review.

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**Deputy de Sausmarez:** I think this has gone off on a slightly strange tangent because the review was brought about by Deputy Dudley-Owen's Requête and it was Deputy Dudley-Owen who made the case that there was not enough information upon which to make a decision and now we still do not have that information. So, I do not think we have really moved on in that year.

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Okay, I think this debate with its various amendments, is potentially very confusing, so I am going to start off by explaining how I am approaching amendments and hopefully in the process of that it might clarify some of the mechanics, some of the constitutional mechanics, because I know from conversations that I have had with colleagues that is a little bit unclear about how exactly it works.

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Obviously we have got what could be seen as competing amendments. We have got this amendment in front of us, which talks about deleting the original Propositions and replacing them with a different idea, we have got other amendments that seek to do the same. So, at the moment the substantive Propositions are the Propositions put forward in the policy letter and so each amendment that comes before the Assembly is basically a binary choice about which you prefer. Do you prefer the amendment or do you prefer the substantive Propositions, which at the moment are the Propositions in the policy letter?

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**The Bailiff:** I hate to interrupt you, Deputy de Sausmarez, but that is not correct.

**Deputy de Sausmarez:** Right, okay. Well I am glad we are getting this sorted out then.

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**The Bailiff:** If this amendment were successful, the original Propositions have disappeared. They cannot be resurrected unless amendment 4 at the end is reintroduced. So each one would be a binary choice but with those extant Propositions at the time.

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**Deputy de Sausmarez:** Sir, that is exactly the point that I was trying to make, clearly not very well! So hopefully between us we can explain how this works. If the Assembly chooses to support Deputy Leadbeater and Deputy de Lisle's amendment, because it is a delete and replace amendment, those Propositions would become the substantive Propositions and when the next Proposition comes along, the binary choice, as the Bailiff says, would be between the next amendment and the substantive Propositions, which in that scenario would then be this amendment.

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So, each time there is a binary choice to be made about which a Member prefers, the substantive Propositions or the amendment. So, what we have essentially got, because we have got a few different amendments, is we have essentially got a system of preferential voting. It is not worth hanging out for whatever the ideal outcome is if you believe that when looking at the amendments you have got a first preference, a second preference and a third preference and those all rank above the Propositions in the policy letter. It is worth supporting each one of those in turn in order to give them the maximum chance of being the substantive Propositions when we come to the final vote.

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So, that is what I am trying to explain, that the way certainly I am approaching the amendments is to compare each amendment against the substantive Propositions. So, in this instance, we are comparing Deputy Leadbeater's Propositions in his amendment, against the policy letter's Propositions, and if that were to succeed, and obviously other amendments would come along afterwards.

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So, the decision I am facing right now is whether I think Deputy Leadbeater's proposals are better than the committee's proposals on the table. Notwithstanding the fact – and I will put my cards on the table here it is not my overall preferred option, I do not think that will come as any surprise to anyone – it is not my preferred option, I am open potentially to supporting it, and it will depend on debate and particularly the summing up as to whether I do, but I am open to the possibility of

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3085 supporting it if I think it is better than what is currently on the table with the policy letter's Propositions, the original Propositions.

Right, so Deputy Murray, when speaking on this amendment focussed on exam results, this concept of exam results not being the be all and end all of education. I could not agree more. I completely could not agree more. But they are still a relevant factor. They do help. People will know I am very fond of our Strategy for Nature. In nature there are things called indicator species and these are often your sort of top predators, things like peregrine falcons, and actually bats act as a good indicator species as well. These are not the whole picture, they are just a very small part of the picture, but they do tell you a lot about the rest of the picture.

3095 The presence of peregrine falcons or the presence of bats, for example, will tell you a lot about the health of the rest of the ecosystem and actually that is apt, because we have been going through this series of webinars about that education ecosystem. So I think it would be unfortunate if we were to sideline exam results and academic attainment because, although I completely agree that it is not the be all and end all of education, I do think they are relevant and I do think actually they can tell us a lot else about the rest of the system, for example that all-important pastoral care and the kinds of things that Deputy Leadbeater talked about, which I agree, I know are very dear to his heart as well as mine.

3100 Sorry, my notes are a bit all over the shop here. Deputy Murray also asked about the purpose of education and I think that is a highly relevant question. I have noticed a really recurring theme, particularly from Deputy Murray and from Deputy Dudley-Owen, about the importance of skills and I have to say this is increasingly ringing alarm bells for me for a similar kind of reason. I do think skills are important, obviously I do. But I do not think they are the be all and end all of education.

3105 Education is so much more than that. It should not just be a sausage factory churning out little sausages for our employment market. That is not the sole purpose of education. Education is so much more. It is about understanding how to think independently, how to live independently. It is about social interactions. It is about so much more than just skills and, of course, academic elements are also an important factor in that overall ecosystem.

3110 So I have to say I am sort of increasingly alarmed at this sort of fixation on skills to the detriment, it feels to me, of many other aspects and I would just like to put on record that fact. I do think we need to look more holistically at the bigger picture. Obviously the staff play a really important role in that.

3115 Speaking of staff, I will just also take the opportunity to correct the statistics that were referred to in the opening. I do not understand how the figure of 46% was arrived at in the surveys. We know that and this is relevant to Deputy Leadbeater's model of course because it does show a very high degree of dissatisfaction with the models on the table, which this amendment is trying to replace. So I think it is relevant to note for the record that the response rate to that survey was a very healthy 72%, of which 87% were opposed and according to my maths it has been some time –

**Deputy Haskins:** Sorry, point of correction.

3125 **The Bailiff:** Point of correction, Deputy Haskins.

**Deputy Haskins:** The survey actually equated to 63.4% of secondary teachers.

3130 **Deputy de Sausmarez:** That is not the figure that I have been given by the people that organised it, by the staff. In fact, I have got that 63% of staff were opposed but if we flip that on its head, in any case, if we use the same methodology for looking at not just those who responded but all staff who were surveyed, then the figures are not terribly flattering because only 6% were supportive. Now that is not a ringing endorsement.

3135 **Deputy Haskins:** Point of correction, sir.

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

**Deputy Haskins:** It is 46% of the total staff, if that is what you are referring to.

3140 **Deputy de Sausmarez:** Yes and I think there is a very important distinction here to make about teachers. I give way to Deputy Kazantseva-Miller.

3145 **Deputy Kazantseva-Miller:** I cannot get 46%. So if the Committee could perhaps elaborate how they have come up to this figure because this figure, I have not been able to do that maths. The figure that I get is if you look at respondents, 80% of the total respondents, that includes all the profession, are against that. It is 59% if you look at total respondents of the total profession, not just respondents who are not supporting. I have not been able to get to a figure of 46%, so if the Committee could elaborate on that, that would be helpful. Thank you for giving way, Deputy de Sausmarez.

3150 **Deputy de Sausmarez:** I think the only possible factor is maybe the Guernsey Institute, who were not surveyed, have been included in the total staff. I am not sure. But anyway, I think whichever way you crunch the numbers, it is clear that there is very significantly more opposition than there is support. Anyway –

3155 **Deputy Haskins:** Point of correction, sir.

**Deputy de Sausmarez:** Okay.

3160 **Deputy Haskins:** If it is 46%, which I –

**The Bailiff:** Just a minute, Deputy Haskins. You have to wait to be called. Deputy Haskins, you have got another point of correction. You do still have the opportunity to speak, do not forget.

3165 **Deputy Haskins:** Thank you, sir. But I think it is prudent of me to correct the assertions as and when they happen. I do apologise for there being so many points of correction. But the figure that we do have, and I will share later and I will back up this data and show it to Members, but it is 46%, which is actually the minority, and that does not include the College of FE.

3170 **The Bailiff:** Deputy de Sausmarez to continue, please.

3175 **Deputy de Sausmarez:** I do not think there is any way, it is just not possible to spin the figures in a way that suggests that it is a minority of people who are opposed, when I can only see, if you apply the same methodology, 6% of all staff who are actively supportive, 9% of respondents. I give way to Deputy Le Tocq.

3180 **Deputy Le Tocq:** I thank Deputy de Sausmarez for giving way. I actually believe the Committee that is 46% that were against because it is lies, damned lies and statistics, is it not, at the end of the day? That does not mean that 54% were in favour and it is of the total workforce, not those that were surveyed. It is correct.

3185 **Deputy de Sausmarez:** Either way, the survey shows that there is very little active support for ESC's model. There is absolutely no denying that fundamental fact. On the theme of the purpose of education and quality of education, I would say quality of education involves some of the following factors. Promoting the highest possible standards and outcomes, the range and equality of opportunities, including curriculum and facilities, curriculum breadth and opportunities to group students flexibly, standard of and access to facilities indoors and outdoors, recruitment, retention,

3190 flexibility and resilience of staff teams, pastoral support and wellbeing of students and staff, support for students with special educational needs or disabilities, pupil-teacher ratios and average class sizes, extra-curricular and enrichment opportunities and ease of transition between different phases of education.

3195 Now, I could also list some factors relating to value for money and infrastructure and organisation, which might be relevant to any review. Value for money might include capital expenditure and revenue expenditure, making the best use of the funds the States are prepared to spend on secondary education annually and transition costs to move from the *status quo* into any new model.

3200 Infrastructure and organisation factors might include infrastructure at the school sites, infrastructure around the school sites, capacity and capability of the States' implement model, consistency with States' strategic objectives and school operational issues, which are specific to any particular model, excluding those which are general to all.

3205 Now, if those sound like good things to take into consideration when deciding the future of secondary and post-16 education then those are the very criteria which many of us were very much hoping to see compared, like for like, in the review that we have never got. So, if Deputy Leadbeater's amendment might touch on at least some of those then I will definitely consider supporting it.

Actually, speaking of which, I think there is something specific to La Mare de Carteret, which is pertinent to this, because for all the right reasons, La Mare de Carteret, I believe, has got a higher pupil-teacher ratio than other secondary schools and possibly – I do not know – a difference in class sizes.

3210 If that is responsible for producing the excellent results then I think that is highly pertinent to the decision that we are being asked to make. So, actually, if that is something that any review brought about by this amendment might draw out or analyse, then again, I would be interested in supporting that amendment, in order to make a better-informed decision at the end of the day.

3215 So, I do agree with Deputy Le Tocq's arguments about value added. That is something else that I would like to see drawn out. (*Noise from outside building*) Crikey I have got some competition! Of course, Deputy de Lisle who of course himself knows from his first-hand experience what it is like to teach classes of different sizes, has already given us an insight into the potential difference that class sizes makes and I too am one of those concerned about the step change in that direction.

3220 We are used to a class size tipping point of 24. Going up to 28 is a very significant difference and I think it is incumbent upon us to understand the impact. Again, it is not the be all and end all, I completely agree with arguments which say, you know, there are other factors, you cannot just say that larger class sizes are going to result in downturns in educational outcomes.

3225 But actually, intuitively, I think we all know that if you can keep class sizes smaller and if you can maintain a healthier pupil-teacher ratio, i.e. a lower pupil-teacher ratio, then that is going to give you the best possible chances of improving your educational outcomes and by extension of that same logic, an increase in class sizes and coupled with increase – I always have to think to get that the right way around – in pupil-teacher ratios, i.e. fewer teachers for the same number of pupils, these are not likely to be a good foundation upon which to improve educational outcomes.

3230 So, I would love Deputy Leadbeater to tell us when he replies to debate about what he has in mind for this review and whether these are some of the issues that could well be analysed and, really, how he sees his amendment playing out in the real world. But, I am still open-minded, certainly, as to supporting it.

3235 Again, I am just going to reiterate, one final time, the decision that I am going to be making on this specific amendment, as it will be with subsequent amendments, is is this better than the proposals currently on the table and there is so much, I think, that is hugely problematic with the proposals currently on the table I am certainly open-minded as to supporting this.

**The Bailiff:** Deputy Matthews.

3240 **Deputy Matthews:** Thank you, sir. I will be supporting this amendment and it is partly because  
it seems to me it was a very heartless way, it seemed, that we announced the closure, or the potential  
closure of La Mare de Carteret. It seemed to some people that they sort of got informed about it  
by text message or text notification on their phones. As Deputy Leadbeater pointed out, when  
3245 schools are closed in the UK, there is quite a long process that has to be gone through in order to  
do that and that is because they form part of a community. A community is built up around the  
school –

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

3250 **The Bailiff:** Point of correction, Deputy Dudley-Owen.

**Deputy Dudley-Owen:** I do apologise to Deputy Matthews – sorry, just waiting for the  
motorbike to go past – I do apologise to Deputy Matthews for interrupting him mid-flow, but the  
Committee has not announced at any time the closure of any schools.

3255 **The Bailiff:** Deputy Matthews to continue.

**Deputy Matthews:** Well, it felt like that to some parents and students. There were stories of  
people crying on the bus on the way home and things because the school was being closed. If it  
3260 may not have been meant to have been a closure it certainly felt like that to some people. When I  
said heartless it reminded me a little bit, because I sort of went through a long opposition campaign  
when St Andrew's Primary School was closed.

It was on a much smaller scale, of course, a single form entry primary school. But it was a very  
sad event of how it closed and the campaign slogan was that it was the heart of the parish, being  
3265 ripped out of the parish. There are people who are still bitter about the fact that it is closed and that  
St Andrew's does not have its own primary school now.

Closing schools has a much bigger impact than simply closing a building and relocating people  
to somewhere else, which I think links a little bit into what Deputy Murray was saying when he said  
a couple of times that this amendment was purely about grades and assessing grades. It is  
3270 absolutely not about grades it is about preserving the community around that school and if we  
were ripping the heart out of the parish of St Andrew's, I think as Deputy de Lisle reminded us, we  
would be ripping the heart out of eight parishes, by closing La Mare de Carteret, which is quite a  
considerably larger consideration to do.

The basis that we have to act now, that we have to do this immediately and that change needs  
3275 to happen and, as Deputy Oliver said, a decision needs to be made, seems to be this idea that has  
been in place for a while and certainly the previous President of Education, very much said that  
pausing the transition or leaving the system mid-transition, leaving the *status quo* in place was  
irresponsible, I think was a word that was constantly used. To which, of course, the current President  
replied we actually needed to have a pause to consider what we need to do next.

3280 But this idea that we have got a burning platform that needs to be changed immediately is  
absolutely not what the teachers and the staff in the system are saying. They are saying actually we  
can cope, we can adapt, we can make do with the *status quo*. We would rather do that than make a  
choice that is not well-informed and not the right choice and not one that they want to do. That is  
what I have heard and that seems to come across very clearly.

3285 To go back to the idea that Deputy Murray was talking about when he was saying that it was  
just about exam results or it should not just be about exam results, it is worth bearing in mind that  
La Mare de Carteret has been inspected, not for a long time, or certainly the internal inspections  
that have happened have not been released or are not public. Of course, in the UK, you would not  
normally close a school that had had very good results from an inspection. When people can choose  
3290 their schools it is usually the schools that are doing very well that people want to get into. They get  
over-subscribed, they get lots of people into them and they do not get closed.

So, we are doing almost the opposite by closing La Mare de Carteret. We do not have a recent external review. I am looking at the review that was from 2016 and it is obviously not just about exam results in that review. I will just quote here a couple of parts. It says:

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Students' progress and standards of attainment have improved in all core subjects over the last three years as a result of improved teachers' and students' expectations, better quality teaching and tracking and monitoring of students' attendance and progress. Relationships with the school are very positive. Students are very well behaved in class and co-operate very well with teachers. In corridors and social areas they behave very well and act responsibly. Students are polite and articulate, they appreciate the range of opportunities provided by the school and the benefits they will gain through their involvement. Almost all students are motivated and eager participants in their learning. They work very effectively in lessons and are respectful of each other's views and contributions.

Now that inspection is clearly, as most external inspections do, taking into account an awful lot more than just grades. It is clearly a very successful school that has pulled itself up very successfully and provides a very good education, despite the poor quality buildings that they work in. So, it does seem somewhat unfair to be closing it. That is quite an old inspection. We did all get an email, I have not got permission to read this but it was sent to all Deputies so I think, from Emma Hughes, who is a teacher there, so I will just read out a part of it, just to remind Members. A section of it here, it just says:

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La Mare de Carteret High School is a truly special place. Everything fits, staff work incredibly hard and so cohesively that the children are always put first. It is a happy place and children feel safe there. Our children love to learn and that is because their teachers understand them. We get them.

And it goes on. It is clearly a very much-loved school and it is not one that is failing in any respect. My feeling was that rather than closing it it should be better to rebuild it and, obviously there is a cost involvement there, but it is a view that is often put forward. I have got another quote here, which says that ...

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... by not rebuilding La Mare some of the least affluent children in the Island will be negatively affected. I believe that we should rebuild a school at that site. A site that sits on the edge of one of our biggest social housing estates, which provides the support that is so needed by many families.

That was a quote from Deputy Dudley-Owen in 2016, I think. Or 2018, sorry. Point of correction taken, thank you. It seems like that is something that we should be looking at and certainly before rushing into close the school. So, for that reason, I will be supporting the amendment. Thank you.

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**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** It poses dilemmas, this, to say the least, because as people will remember I did actually support, people say I am extremely inconsistent but in a way I am consistent in my inconsistency because there is a silver thread that goes through my numerous appearances in these education debates. Like Trott – unlike Deputy Oliver – I go back to the last time we did this in 2000, 2001 as well, and know that some of the Resolutions that we passed at the time were never implemented, which itself is a point.

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Twice I backed a pause and review, because I did support the Deputy Bury amendment and I did also support Deputy Dudley-Owen's/Deputy Meerveld's amendment earlier, Probably three times in a row, actually, I think I have supported the teachers' majority position, because we knew in the previous life that the teaching profession were 70%-30%, so we were told, against the existing, the old *status quo* of the 11-plus and the Grammar School and the secondary modern model.

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I do not know if they were in favour of the two-school model over the then Deputy Paul Le Pelley Committee model, but we knew that the teaching profession sent material to the media and to Deputy Inder and Deputy Ferbrache and others indicating that they had extraordinary misgivings about the two-school model of the previous Education, Sport & Culture Committee.

3330 Now we have got difficulties again. I am not one who believes the education profession should hold a veto on policies and programmes but we do need to work as long as we could to work towards some solution. I happen to believe that Deputy Dudley-Owen and her Committee have actually, almost against the trend we have seen in recent years, gone into their tasks with an amazing passion and cohesion and desire to get things done quickly and effectively.

3335 I can see the progress that has been made on working with special needs or maybe looking at how you can strengthen the equality and credibility of non-academic models for 16-plus, looking at the next range of apprenticeships on the models of education, on the strength of educational outcomes.

3340 I can see there is a great vision, the three-dimensional building outside, I believed when the first time I heard it, that the model being put forward by this Education, Sport & Culture Committee could work. It is not a million miles away from the Committee I sat on, with not Deputy Leadbeater in that line-up, Deputy Inder, Deputy Dudley-Owen and Deputy de Lisle.

3345 But I think we are going a little bit too quickly and one would have more certainty that we as a legislature were choosing the right model with more time, after perhaps the tax and spending review ... I will give way to Deputy Inder.

**Deputy Inder:** With your experience, Deputy Gollop, through you sir, I can see where he is heading with this, but given every single decision that he has been involved in from the four schools to the three-school amendment, to the selection debate times two, to the Le Pelley model, to the two-school model, to the rejection of the two-school model and this current model, why does he think, intelligent man that he is, that any pause and review, is going to deliver any other different outcome?

3355 **Deputy Gollop:** It might not. But I would argue that we never concluded the last pause and review, **(Several Members:** Hear, hear.) because we never had an equivalent review in sufficient detail. More to the point, to be fair, some of that detail is not available now precisely for the points Deputy Leadbeater and Deputy de Lisle, I think, are arguing, that we have not had sufficient time in the transitional period to know whether the system is moving upwards or not or moving downwards or performing.

3360 There is a time element, there is a performance element, there has been the huge disruption of the Coronavirus, the social dislocation of our Island, the elections and all sorts of other factors, changes of senior officers too, perhaps. They have all led to a position whereby there is a degree of uncertainty.

3365 I would not go so far as to say demoralisation but when you are faced with a room full of teachers and some of them are saying pause and review, some of them are saying we want an 11-18 model, the majority are saying we like a model being presented by a minority Member of the Education, Sport & Culture Committee, you get a bit worried, because you think we could vote for what is a brave and interesting and I think, in many ways, a better model from the point of view of bringing about a transformation of skills for 16-plus, but there may be other ways of doing that as well. Such as looking at whether the College of Further Education can outsource, can work not just within the new Institute framework but do more private-public partnerships.

3370 So, when I look at this, I kind of want not a huge delay but I think the point is this would be less than a year for the Education, Sport & Culture Committee to look at the model that they are working up and look at maybe the most popular of the other models and take them to the community and take them to the teaching profession. Because if we vote for something that is not necessarily based upon what either the professional community wants or is reflective of how to get best academic outcomes we would be making a mistake.

3375 I do find the explanatory note on this amendment a bit curious, I must admit. Because it says:

What has become clear on the run up to this debate is that there is a desire amongst many educationalists to continue with the status quo at this point.

3380 When I read that, I did not take it in; I thought they meant the old *status quo*, but of course there are still pupils going through the schools who were selected on that basis. They are actually, of course, talking about the interim *status quo*. But I think we do need more data, we need more measurable statistics. I think our priority should not just be, as Deputy Inder said, effective maintenance and, as Deputy Dudley-Owen said, an educational system that is very much focussed on teaching standards, on values, on outcomes, on goals that are not just about operational matters.

3385 But I think as a first priority we can kick-start the Guernsey Institute and really get that going and identify why it is there are some courses ranging from, I do not know, plumbing, electricians perhaps, right the way across to catering and hospitality. They are not delivering the number of apprenticeships that we need. We are not necessarily focussed with the skills.

3390 So, I would rather see that prioritised and us to give a bit of further consideration and work as much as we can with both the teaching profession and modelling different scenarios to see which one would produce the best academic attainments as well and also the most holistic and integrated environment.

3395 **The Bailiff:** Deputy Vermeulen.

**Deputy Vermeulen:** Thank you, sir. Through you, goodness me, how long does Deputy Gollop need? We have had nine months and that to some people in this Assembly could build and develop a baby in that time. But if we have a little look at where we are with education we seem to be stuck in the past.

3400 We have had an election, we have got new blood in this Assembly, 20 new minds, all fresh, all ready to go. The biggest criticism of this States was it was dithering and delaying and it made a huge mess over the one school on two sites. Nobody wanted that and that is what you guys, previously to us getting here, were pushing.

3405 So, I congratulate whoever thought it was right to pause and review education at that time because that was exactly what it needed and just as well that did happen, just as well that that pause came in and we stopped the two-school model. That was a lot of local interest that had been put forward and they were concerned about how you could get to those schools. It was not deliverable, guys. What you put forward just was not deliverable.

3410 I was in some way quite proud to see a former pupil of mine putting forward this motion but I do not think I can support it really. It is probably because what Deputy de Carteret was alluding to, we seem to have forgotten where we are. Just to be clear –

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

3415 **The Bailiff:** Point of correction, Deputy Leadbeater.

**Deputy Leadbeater:** I am not aware of a Deputy de Carteret.

3420 **Deputy Vermeulen:** Thank you for that. Just to be clear, Deputy de Lisle was seconding your amendment and that is who I meant. Something that he said, what was he proposing, that ESC be given a bigger budget to open schools to operate the schools? Has he moved away from the States' decisions, the impact of 2001, when three schools were agreed and we agreed again? Shall we incur the inefficient cost of operating four schools with two of them under capacity and, if so, how much longer for?

3425 Guys, if something is wrong, you fix it. Now, the President for Education, she talked about the way forward. And the way forward is to trust the Education Committee. Now, if I can trust the Education Committee, if the people I spoke to during the election supported largely what the Education Committee are putting forward now, then why are we all of a sudden experts on education and all coming up with different things, when the true experts had looked at it steadily and come up with a very good solution?

3435 So, I am going to be supportive, I am going to put my trust in Education unreservedly, They are intelligent people on the whole! (*Laughter*) We have just got to move forward. The public are expecting certainty. Children and families need some certainty. I am sorry, Deputy Gollop, you cannot sit on the fence any longer. We have got to get on with this and that is what today's debate hopefully is. So, I am a little bit sad to see so many amendments to what is an excellent solution, by Education, and I cannot support this amendment, unfortunately, but I will be supporting Education in the future and I hope that you can all follow me in that direction.

3440 **The Bailiff:** Deputy St Pier.

3445 **Deputy St Pier:** Sir, I think we truly are in *Alice in Wonderland* territory and we have firmly all fallen *Through the Looking Glass*. I think we can perhaps look around and decide whether Deputy de Sausmarez is the White Queen and possibly the President of Education, Sport & Culture is the Red Queen. We will leave others to decide who are Tweedle-Dee and Tweedle-Dum and I will not make any suggestions as to who the Mad Hatter might be. (*Interjection and laughter*) All in good time, Deputy Trott!

3450 The point I am seeking to make is that everybody who was in favour of pause and review, when pause and review was being debated in this Assembly, is no longer in favour of it, and everybody who was against pause and review when it was being debated in this Assembly is now in favour of it. So, I think that really demonstrates the point about being *Alice in Wonderland*.

3455 In relation to this amendment, I think the point has been made, I think by Deputy Le Tocq, that looking at the results and performance of a school is just a snapshot and, whilst I absolutely accept the arguments made by Deputies de Lisle and Leadbeater in presenting their amendment that La Mare de Carteret School is a good school with high standards and it is not failing, of course that does not represent its entire history. It has had periods where it has struggled and perhaps not performed as well as it could have done. I think that emphasises the point about it being a snapshot in time.

3460 For me, that is not necessarily the best reason for supporting this amendment but I understand the reason that it has been presented for those seeking to argue the case. I am actually really very grateful for Deputy de Sausmarez's explanation of the way this debate and the amendments will seek to work. Namely, if you are not in favour of the Education Committee's proposals then it is really a question of looking at what is the least worst option as the amendments come up.

3465 Regrettably, I am not in favour, unlike Deputy Vermeulen. I understand his point, but I do not see this as being a great solution: the four-school model with three 11-16s and a separate sixth form a few hundred yards or feet from where it currently is. I believe it is going to be a more expensive model, ultimately, notwithstanding the comments that we hope that there may be revenue savings at some point. I am not prepared to take that on the fly.

3470 So, for me, it is a question of the least worst option as we go through these amendments and on that basis I will support this amendment and will see what comes up in terms of the other amendments, if they are laid and presented, and I will take decisions accordingly, as we move through those.

3475 **The Bailiff:** Deputy Haskins.

3480 **Deputy Haskins:** Sir, what makes a school a better school than another? Better results? Who are we comparing against? Are we just comparing Guernsey schools? What if Guernsey schools are way below UK schools? Not that I am saying that they are or they are not, but our numbers may imply we are achieving more GCSEs, however, where are they on the scale? Are they all upper A\*s or 9s? We have heard that La Mare de Carteret had 100% of A\*-G or 9-1s, in 2020.

Here is an extract from the *Guernsey Press*, though, on 21st August 2020.

Pass rate for grades 9-4 (A\*-C), including maths and English, at La Mare de Carteret High School was 41.8% in 2020.



3485       Beaucamps was 62.9%, just as a comparison and I believe Grammar School was 100%. Now, Deputy Leadbeater mentioned La Mare de Carteret has very good overall achievements, which is obviously what we are wanting, it is not just the grades. We are wanting overall achievements. But with regard to outcomes, Grammar School students did exceptionally well, academically and otherwise, in a selective era. But it was still changed. La Mare staff currently do an exceptional job but the fabric of the building needs huge amounts of money just to keep the doors open on a very under-utilised site.

3490       The cost is being reported to be approximately £20 million over the 10-year kick it down the road, from what I see, and you can correct me if I am wrong, Deputy Leadbeater. Deputy Matthews told us that decisions do not need to be made just yet. He will support this amendment. So I assume then, if Deputy Matthews truly believes that this review is needed in this way, then Deputy Matthews will then vote against all the other amendments as doing so at the end will be closer to kicking that can down the road.

3495       He has no doubt been lobbied by various businesses and members of the public wanting exactly that. You have been wanting them to kick the can down the road but you have also had various members of the public saying, and I would suggest more: 'Can you make a decision and can you make a decision now?' We have a few days of debate and a lot of information to go through, so I do urge Members to make a decision and better still, stick to it. Thank you.

**The Bailiff:** Deputy Trott.

3505       **Deputy Trott:** Sir, very briefly, make a decision and stick to it. Well, I made one last term. I voted for pause and review and that is what I expected to see and I have not seen it and I knew when I did not that we would have many of the problems that we have today. Deputy Vermeulen did make me laugh, he very often does, but he made me guffaw when he said why are we all suddenly education experts?

3510       Of course, we are not, and some of us do not purport to be. But those who are the education experts have given us a very clear indication. I look forward to seeing the maths that arrive at a 46% statistical figure. I have got to be honest, if I had 50 pence for every maths exam I had failed, I would have £6.30 now! *(Laughter)* Some are still awake, it is pleasing to see!

3515       But what I do know is that if one had polled every teacher in the Island I suspect that the overall figure rejecting ESC's proposals would be significantly higher because of course within the private schools all of those teachers work in 11-18 schools and have very good results. I noticed, in what I thought was a very odd speech from my friend Deputy Dudley-Owen, she said there was no evidence that 11-18 schools, but of course there is a plethora of evidence that they do better and I am sure Deputy Le Tocq and others will articulate those views later.

3520       It is very difficult to know what to do, with regard to this. I think Deputy de Sausmarez's advice was good advice. If you do not like what the Education, Sport & Culture Committee's proposals are, and I do not like them let us be clear, because the majority of the education experts who we rely on to advise us do not like them either, it really is a bit of a dilemma, sir, and one that I still have, I think, a few seconds before I need to decide.

**Procedural –  
Continuation of sitting**

3525       **The Bailiff:** Members of the States, it is 5.30 p.m. Normally we would adjourn until 9.30 a.m. tomorrow morning but as nobody else is rising at this point I was going to see if you were minded to at least hear from Deputy Dudley-Owen and Deputy Leadbeater and take the vote on this amendment, if nothing else, this evening. So can I simply put that motion to you now, those in favour of continuing for that purpose; those against?

3530 *Members voted Pour.*

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

**10. Secondary and Post-16  
Education Reorganisation –  
Debate continued**

**The Bailiff:** Therefore I invite Deputy Dudley-Owen, on behalf of the Committee, to reply to the amendment.

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**Deputy Dudley-Owen:** Thank you, sir, and after such a long opening speech I will try to keep this brief. The States took the decision to end our 11-plus system. The States also took the decision to implement that change before the physical infrastructure was in place to manage that change in the best possible way for our students and staff.

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In La Mare de Carteret, we have a school building that has limped on for many more years than it was designed for and which consumes considerable money each year just to keep it functioning. We have a Grammar School, which is about to get its third year of non-selective students. We have in-built inequity. What we have today is barely comprehensible, let alone comprehensive.

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Deputy Leadbeater is correct about my comments that buildings do not deliver educational outcomes. I have just said that in my opening speech again. I have also said many times, however, that buildings, models can put barriers in the way of educational outcomes. We know that La Mare school buildings have been blighted on occasions with serious failures in the recent past.

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Deputy Inder highlighted the black mould and rat problems in the portacabins at the school last term. This rendered the portacabins an unhealthy environment for the students to be taught in. Whilst Deputy Leadbeater and I were on the ESC Committee together there were leaks coming through the roofs and students' work was completely ruined. That is what gets in the way of educational outcomes.

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The staff who work in La Mare de Carteret High are undeniably high quality staff but the buildings that they and their students occupy are not fit for the purpose we need them to serve. The removal of the school building from our educational estate does not mean that we seek to remove the staff from our education system. We do not want to lose those staff and their excellence, we want to share it.

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I wonder if staff explained why they were happy to continue to teach in a system with inbuilt inequity. Why would they not want to create a system, which improves things for everyone in the system? From a revenue perspective we pay over the odds because of the small size of some of our schools and the number of students in them. Yet we struggle to provide a full and fair curriculum in all four schools and we are not able, in some instances, to ensure that all students are taught by subject specialists.

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A quick and conservative calculation suggests that we have spent, more accurately wasted, £10 million-plus on trying to implement a truly comprehensive system since 2013 and we have nothing tangible, literally nothing, other than lots of data documents to show for it.

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Looking carefully at the explanatory note that Deputy Leadbeater and Deputy de Lisle have helpfully provided, they note that it is likely to be £1.4 million per year more expensive than the Committee's model and, given that I have told Members today about the revenue reduction, the costs that my colleagues will have based this on is the current revenue costs.

So, that is an additional £1.4 million per year more than we already spend now. So, no reduction to reinvest in the much-needed strategy and all the actions that I outlined in my opening comments. Nothing further for staff training, nothing further for SEND, nothing further for literacy and digital literacy improvement. Furthermore, there are catch-all costs noted as between £3 million and

3575 £5 million to keep La Mare de Carteret High School building operational and up to £10 million could be needed with some of the material issues arising with the school.

My Committee has a mandate to provide education for the whole Islands, including Alderney. We want to provide the very best education that we can but the system has locked into its potential revenue savings that we simply cannot unlock unless and until we make a definitive change. I want  
3580 nothing more than to gather momentum and get busy making improvements that will last for generations and improve the lives of thousands of children and young people.

I really understand why Deputies Leadbeater and de Lisle have brought this amendment. I really do. But this is kicking the can down the road and I just cannot support that. The date that this amendment refers to, when we could potentially take some action, is summer 2024, when the first  
3585 non-selective cohort get their GCSE results – if they get their GCSE results, because we are not reliant within our pandemic conditions they will get those examination results in the form of exams. Those could be teacher-assessed grades and as we know those are anomalous.

So doing so leaves the Committee in the unenviable position of trying to deliver an ambitious Education Strategy to make improvements in our system that are long overdue with one hand and  
3590 the hand to the keys of the safe tied behind our backs. This amendment, well-intentioned as it might be, is not positive for the whole education system and therefore it is neither positive for our children or our young people and so, sir, through you, I urge Members please vote against this. This is, really, a *sursis motivé*. Thank you.

3595 **The Bailiff:** Deputy Leadbeater, the proposer of amendment 3, to reply to the debate, please.

**Deputy Leadbeater:** Thank you, sir. I have just tried to make some notes of the comments that Members have made to try and address them. Deputy Murray, I was not talking about exams, as I  
3600 am not benchmarking a school just based on exams. It is right away across the piece, how the school delivers and I think everybody has touched on that.

Talking about the £10 million that has been spent on reports on our education system, I think if you go back to 2001, I think it is, bear with me please sir, plans to rebuild the schools, La Mare, Beaucamps and St Sampson's were first approved by the States in May 2001, when the preparation of the site development plans agreed for 2002, with La Mare finally prioritised for funding in the  
3605 States' Capital Prioritisation debate in 2013, and reconfirmed as a pipeline priority project by the Assembly in 2014.

If these reports had been listened to over the years we would have built the school by now. It is not our fault. Deputy de Lisle and I have not wasted ten-point-something million pounds, it has been wasted by people not listening to the experts saying rebuild La Mare de Carteret School. That  
3610 is where it has been wasted by.

Sorry, I am a bit all over the place. Deputy Brouard, yes, I can confirm that the review that he is seeking could come out of this amendment. As Deputy Dudley-Owen has touched on, there is plenty of time in the amendment to be able to have a full and comprehensive review and I see no reason why the terms of reference cannot be set by this Assembly. I see no reason whatsoever and  
3615 then we could know exactly, everybody knows what they are getting then. Everybody knows right from the start what they are getting because we have had a hand in establishing the terms of reference, so I hope that gives her some comfort.

Deputy Inder, very valid points about the state of the school. Deputy Inder and I spent quite a long time together around that time, on the school, wondering why money was being spent in areas  
3620 that it should not be. We touched on the fact that we recovered the entire roof in 2016. There was a 30-year guarantee on that roof, there is a 25-year guarantee left on that. It did not need it at the time. All it needed was some flashing details attended to, etc. but no let us go the whole hog and cover the whole roof so that is what was done. So that roof is going to last for at least another 25 years.

3625 The States agreed, I think it was in 2015, to a £2 million maintenance budget. That roof was in there and I do not think that has been spent. So this £3.5 million – £5 million capital cost to keep the wheels on the bus for the next few years is absolute pie in the sky. It really is pie in the sky.

Deputy de Lisle, I thank him for seconding this. You would think Dr de Lisle, PhD, he has been around the block. He is a university lecturer, Government policy adviser, teacher in our local schools.  
3630 He knows what he is talking about and some people may think, 'Deputy de Lisle, he was a teacher from ages ago', but Deputy de Lisle and the teachers we have been speaking to are on exactly the same page.

Excuse me. Deputy Oliver and I think she did give way to me so that I could explain that it was not Deputy de Lisle and us that brought this forward. Again, at the expense of reviews, he mentioned  
3635 if they had been listened to in the first place, Deputy Oliver touched on the fact that we had spent a hell of a lot of money on the reviews over the years and we got nowhere.

I thank Deputy de Sausmarez, even though this is not her first choice. I still thank her and I thank her for articulating the way the debate is going so Members have got the options. She is right. Education is so much more than the Strategy for Nature and the peregrine falcon analogy that she  
3640 came out with but I thank her for ... and also she was talking about the review, will we look at everything including class sizes, pupil-teacher ratio. As I have just said, I think the terms of reference can be set by the Assembly to encompass all of that.

Deputy Matthews, I thank him for a great contribution. He made some brilliant points. The email that he read out, I was trying to find that last night in my inbox and could not so I thank him for  
3645 that. It was a brilliant speech. Deputy Gollop likes to support the majority of the teacher profession. Now, I cannot say if they support this but the ones I have spoken to support this, that is all I can say. He mentions the SEND provision. This amendment does not preclude the recommendations of the NASEN Review from progressing or anything else like that. It does not preclude any of that whatsoever.

Deputy Vermeulen, just because we have had an election does not mean we need to rush like a bull at a gate and set on an irreversible course with our secondary education. I can understand that we need to make decisions but I think it is clear from everything we are hearing from Members here  
3650 today, from the emails we have been receiving, from the contact from the unions and the teachers, that they are not universally behind ESC's proposal so rushing like a bull at a gate and just passing them just because of it is foolish, in my opinion.  
3655

Deputy St Pier made a good point about those in favour of the pause and review and those kind of switching around at this point now, which is a strange one. Deputy Haskins is asking what we are looking to compare against. What we are trying to look to do here first of all is establish the data in order that we can find things to compare it against. He also mentions that the fabric of the building  
3660 needs £20 million spent on it. That is just absolute nonsense.

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

**The Bailiff:** Point of correction, Deputy Haskins.  
3665

**Deputy Haskins:** What I said, Deputy Leadbeater, was that the cost in this amendment was purported to be approximately £20 million over the 10 years.

**Deputy Leadbeater:** I do accept that and I apologise. I was not meaning that Deputy Haskins had come up with these figures, it is just that I do not agree with these figures. As I have said, we  
3670 have spent £180,000 on that new roof. We have probably spent just under about £2 million since 2015. The school, if you go round there and have a look, is not actually in bad condition, it is not falling apart, they have not got buckets under everywhere because the roof has not leaked for five years. The teachers and the pupils are quite happy.

If it was as bad as everyone has made out, it would be closed for health and safety reasons, you  
3675 know? But it is not. It is operating as a school, which demonstrates to us that it is a safe building.

3680 Okay, it is tired. It does not look as pretty as St Sampson's and Beaucamps because it has got the old concrete facades but the actual structure is okay. It is not going to fall down. We do not have to spend that much on it. If we want to progress and get this data and establish a full review, we can keep that building going for next to nothing because we have done the vast majority of remedial works that need to be done to keep it going.

3685 As the States of Guernsey always does, it is overkill. That is what we have got. We envisaged the building lasting for five or 10 years, we put a roof on it to last for 30 years. It is over-engineering. That building has had a lot of money spent on it, windows have been upgraded. There are loads of things. The science labs were all completely redone in 2016. This is why in my speech I would invite people to go and have a look. You have got this image of what might be this terrible school but it is certainly not.

3690 Again, Deputy Dudley-Owen talked of the leaking roof but that was replaced years ago. It is okay to talk about this stuff and it gets perpetuated by people that think La Mare de Carteret building ... actually La Mare de Carteret building was opened on 9th September 1974, which was the day before my fourth birthday. So it is even younger than me, so it cannot be that bad! Anyway, sir, I thank everybody for their support and I thank everybody for their input and I would ask Members to support this amendment. Thank you, sir.

3695 **The Bailiff:** Members of the States, we come to the vote on amendment 3 –

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

3700 **The Bailiff:** – proposed by Deputy Leadbeater, seconded by Deputy de Lisle and there has been a request for a recorded vote. So, Greffier, when you are ready please.

*There was a recorded vote.*

*Not carried – Pour 12, Contre 27, Ne vote pas 0, Absent 0*

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

3705 **The Bailiff:** Members of the States, the voting in respect of amendment 3, proposed by Deputy Leadbeater and seconded by Deputy de Lisle is as follows, there voted Pour 12, Contre 27 and therefore I declare amendment 3 lost.

**Procedural –  
Continuation of sitting**

**The Bailiff:** Members of the States, it is time to adjourn to 9.30 tomorrow morning unless there is any contrary motion. Deputy Dudley-Owen.

3710 **Deputy Dudley-Owen:** I would like to attempt, just to show willing that we can be flexible and may we start the day a little bit earlier tomorrow at 9 a.m.? If Members might be prepared to give us their opinion on that, that would be helpful. May I propose that we start at 9 a.m. tomorrow morning?

3715 **The Bailiff:** There is an opportunity for a short debate on the time to start. Can I just have an indication if the motion were to be put how many Members would struggle to be here for nine o'clock in the morning, because of other commitments, for example? (*Interjection*) 9.15 a.m. Deputy de Sausmarez, yes. Is it still your wish that I put the motion to Members?

3720 **Deputy Dudley-Owen:** Yes please, sir.

**The Bailiff:** Members, I will put the motion to you that we adjourn instead of to 9.30 a.m. to 9 a.m. in the morning. Those in favour; those against?

3725 *Members voted Contre.*

3730 **The Bailiff:** I will declare that lost. Alright, I have got Deputy Roffey suggesting maybe 9.15 a.m. as a compromise. We do like these compromises. We will end up with half the schools! Let me simply put that to you to see whether that finds greater favour, Members of the States. So the adjournment would be at 9.15 a.m. tomorrow. Those in favour; those against?

*Members voted Contre.*

3735 **The Bailiff:** I am certain that was declared lost.

3740 **Deputy Roffey:** Can I ask for some forward indication about what happens at 5.30 p.m. tomorrow? Of course we could have debated the whole of education, electricity and the review of the General Election, but assuming we have not, although I do not have childcare plans but others do, just to know what is likely to happen then.

**The Bailiff:** The default position under the terms of the Rules is that if, by 5.30 p.m. tomorrow –  
[*Outside noise*]

3745 **Deputy Roffey:** We cannot seem to do anything without noisy motorbikes!

**The Bailiff:** If by 5.30 p.m. tomorrow the business of this Meeting has not been concluded then all matters on which decisions have not been taken, save for the Schedule for Future States' Business, which must be dealt with, are deferred until September. Now, that may not be palatable

3750 to Members, depending on where the state of play is by then and so it would be open to Members to consider adjourning to another day.

3755 Now, in discussions that I have been having over this, the Government Work Plan Special Meeting is already convened for 9.30 a.m. on Wednesday. Whether or not that will take the full three days I have no idea. An option, to answer Deputy Roffey's question, would be that the business that is not concluded is simply deferred to follow the conclusion of the Special Meeting and you all take stock at that point. So if the Special Meeting on the Government Work Plan were to be concluded on the Thursday, you have all got the Friday set aside, in any event, for that Meeting. So that one could pick up the point at that point.

3760 The alternatives are you have got Saturday, you have got Sunday, you have got Monday, you have got Tuesday. What is less attractive to me would be saying, 'No, we will do this on Wednesday of next week.' Because that is when the Special Meeting is convened for and that was put in place specifically for the purpose of getting Resolutions on the Government Work Plan before the summer recess. So that would be the default position but that is something that, with the joys of technology, you can all discuss amongst yourselves, overnight perhaps. Deputy Dudley-Owen?

3765 **Deputy Dudley-Owen:** Sir, I beg your patience on this and also, Members of the Assembly, that we sit longer in the lunch recess tomorrow, that I will put a Proposition to you tomorrow once we obviously see how work is going through the morning, that we will curtail our lunch recess in order that we can get through business. So, it is just a prior warning, advance notice, that is what I will propose tomorrow, to shorten our lunch recess tomorrow.

3770 **The Bailiff:** Deputy Inder.

3775 **Deputy Inder:** Sir, I am just intrigued. Why could we not use Tuesday because if you run into Wednesday we are almost in danger of running into the next weekend. Is the Royal Court full on the Tuesday? Could we not have the Special Meeting on the Tuesday?

**The Bailiff:** The Special Meeting has been convened to start on the Wednesday.

3780 **Deputy Inder:** Could we not have a motion to move it to the Tuesday, then?

3785 **The Bailiff:** My suggestion, Members, is that you reflect on the state of play overnight rather than put any motions to the Meeting today and see where you think it is best that you head in terms of using the time that we have set aside usefully. But as I say, the convening of the Meeting for Wednesday is convened in accordance with the Rules. It would be permissible I think, Mr Comptroller, if the States were to resolve to bring that Special Meeting forward to the Tuesday to do that.

3790 The real concern that I have on that is I am not sure I have got anyone to preside because there are other commitments because of the timetable and when I say anyone, it would fall to an Acting Presiding Officer, subject to the availability of the Deputy Bailiff and me. So, let me check that overnight as well. Deputy Oliver.

**Deputy Oliver:** Sir, why don't we sit another half an hour now?

3795 **The Bailiff:** I think it is a natural break at the end of an amendment rather than starting a fresh amendment that would not be concluded within that time. So, unless you particularly want me to put that motion, Deputy Oliver? You would like me to. Members of the States, it is the nature of the Rules that when an adjournment is announced or when a Member wants to test the appetite of fellow Members as to whether to sit later that we tend to do that, so I am simply going to put the motion to you that we continue to debate by opening on amendment 1, proposed by Deputy

3800 Cameron, and that we sit until 6.30 p.m. and no later and that we then adjourn to 9.30 a.m. tomorrow. Those in favour; those against?

*Members voted Contre.*

3805 **The Bailiff:** We will adjourn to 9.30 a.m. Thank you very much. That was lost.

*The Assembly adjourned at 5.56 p.m.*