



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 21st July 2021

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Present:

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

Law Officers

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

People's Deputies

S. E. Aldwell	A. Kazantseva-Miller
C. P. A. Blin	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	C. P. Meerveld
H. L. de Sausmarez	N. G. Moakes
J. F. Dyke	R. C. Murray
S. P. Fairclough	V. S. Oliver
S. J. Falla	C. N. K. Parkinson
P. T. R. Ferbrache	R. G. Prow
A. Gabriel	L. C. Queripel
J. A. B. Gollop	P. J. Roffey
S. P. Haskins	H. J. R. Soulsby
M. A. J. Helyar	G. A. St Pier
N. R. Inder	S. P. J. Vermeulen

Representatives of the Island of Alderney

The Clerk to the States of Deliberation

C. Foster (H.M. Deputy Greffier)

Absent at the Evocation

Deputies A. H Brouard, A. C. Dudley-Owen, A. W. Taylor
and Alderney Representative S. Roberts (*relevé à 9h 58*);
Deputy M. P. Leadbeater (*relevé à 10h 28*); Deputy L. S. Trott (*absent de l'île*);
Alderney Representative E. A. J. Snowdon (*absent*)

Business transacted

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States of Deliberation

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

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: Billet d'État XV. To the Members of the States of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation will be held at the Royal Courthouse on Wednesday, 21st July 2021, at 9.30 a.m. to consider the item listed in this Billet d'État, which has been submitted for debate.

The Bailiff: Good morning, Members of the States. The weather remains warm, so if people wish to remove outer garments, some already have, then please do.

Billet d'État XV

SPECIAL MEETING

POLICY & RESOURCES COMMITTEE

1. Government Work Plan 2021-25 –

Debate commenced

Article 1.

The States are asked to decide:-

Whether, after consideration of the 'Government Work Plan - stage 2' Policy Letter dated 17th June 2021, they are of the opinion:-

1. To agree that -

a. the Government Work Plan is the approach to recovery that the Assembly has adopted for this political term to provide a framework for determining, developing and resourcing the most critical actions to be completed by government; and

b. all Committees of the States should advise and consult with the Policy & Resources Committee on emerging issues critical to the Island's economic competitiveness and success, and the health

and wellbeing of Islanders, and that are likely to require resource and funding within the Government Work Plan this political term;

2. To approve the top ten recovery actions for the first six months as set out in section 1.8 and the wider actions to be progressed in 2021 and 2022 as set out in the four priorities of the Government Work Plan framework in Annex 1;

3. To agree that Committees of the States will work with the Policy & Resources Committee to prioritise and resource the progression and completion of the actions in the Government Work Plan;

4. To agree, in principle, the actions to be progressed and resourced in 2023 and 2024 as set out in the four priorities of the Government Work Plan framework in Annex 1, and direct the relevant Committees of the States to work with the Policy & Resources Committee to further explore the resource requirements, and the impact against the Assembly's agreed outcomes^[1], to inform the consideration of the Government Work Plan by the Assembly in June 2022;

5. To agree that the actions identified in Annex 2 are held in abeyance and kept under review as part of the monitoring required to maintain the focus and relevance of actions prioritised annually by the Assembly in the Government Work Plan as set out under Rule 23 of the Rules of Procedure of the States and their Committees;

6. To agree the governance arrangements for the workstreams within the four priorities of the Government Work Plan as set out in Annex 3.

7. To agree the monitoring framework and recovery action reporting approach set out in Annex 4, and to note that the Policy & Resources Committee will continue to develop this framework for annual reporting purposes in accordance with Rule 23;

8. To agree that the Funding & Investment Plan sets the framework within which funding will be secured and financial resources allocated during this political term and direct the Policy & Resources Committee to prepare annual Budget Reports within this framework.

9. To direct all Committees of the States to prepare annual budget submissions and other funding requests to deliver actions prioritised within the Government Work Plan and agree that funding should not be made available for non-prioritised service developments.

10. To agree that the Committees of the States are collectively responsible and accountable for delivery of the savings set out within the Funding & Investment Plan which are integral to funding; baseline pressures; the revenue impact of capital expenditure; and the ongoing costs of the government priorities as defined through the Government Work Plan.

11. To authorise the Policy & Resources Committee to approve transfers of funding from the Budget Reserve and General Revenue Reserve to Committee budgets and make specific allowance in recommended Cash Limits for 2022-2025 in order to resource:

i. Managing the effects of Brexit and meeting international standards (ongoing expenditure) over the period 2021 - 2025 for the specific initiatives detailed in Appendix 11.5;

ii. Recovery actions (ongoing expenditure) over the period 2021 - 2025 for the specific initiatives detailed in Appendix 11.4;

iii. Revenue impact of capital expenditure (ongoing) over the period 2021 - 2025 for the specific schemes detailed in Appendix 11.7

iv. Recovery actions (one-off expenditure) over the period 2021 - 2025 for the specific initiatives detailed in Appendix 11.4; and

v. Reshaping government initiatives (transformation) (one-off expenditure) over the period 2021 - 2025 for the specific initiatives detailed in Appendix 11.6.

12. To direct the Policy & Resources Committee to include proposals in the annual Budget Report for each of the years 2022, 2023, 2024 and 2025 to generate an additional real-terms increase in revenues for each of these years of £1million per annum.

13. To approve the schemes detailed in Figure 20 as the capital portfolio for the period 2021-2025, acknowledging that the portfolio value is £200million in excess of the funding available and, consequently, funding the portfolio will require the States to enter into new borrowing facilities of a maximum of £200million.

14. To agree the assurance and approval pathways for capital projects set out in paragraphs 6.2 to 6.10 in the Funding & Investment Plan at Annex 5, including delegating authority to the Policy & Resources Committee to approve the opening of capital votes for all schemes in the capital portfolio or to enter into alternative delivery arrangements, subject to the overall capital portfolio being delivered within a total of £568million.

15. To agree that the balance of the Bond Reserve as at 30 June 2021 shall be transferred to the General Revenue Reserve.

16. Notwithstanding the Resolutions of the States of 1 May 2020, to authorise the Policy & Resources Committee:

a. to continue with a maximum of £200million of the existing £225million short-term borrowing facility, and to increase or decrease its term; and

b. to enter into new external borrowing facilities up to a total maximum of £200million for a period of up to 40 years, on such terms and conditions as the said Committee shall deem appropriate.

17. To agree that the Policy & Resources Committee may by resolution authorise the President of that Committee, or a delegate nominated by him for the specific purpose, to sign any document necessary for the purposes of entering into or otherwise in connection with the borrowing facilities referred to in proposition 16.

18. Notwithstanding the Resolutions of the States of the 8 October, 2014 on Article I (propositions 27 and 28) of Billet d'État no. XXII of 2014 and the 16 January, 2020 on Article V (proposition 1) of Billet d'État no. I of 2020, to agree that:

a. The proceeds of the 2014 States of Guernsey Bond issue; and

b. The capital raised by external borrowing facilities taken up pursuant to proposition can only be used for:

i. on-lending to States owned entities including subsidiaries thereof, trading accounts and funds, the Guernsey Housing Association, the Alderney Housing Association, the Ladies College and / or to sporting organisations or playing field authorities to support the provision of sporting facilities on such terms and conditions as the Policy & Resources Committee shall deem appropriate; and
ii. financing capital expenditure which is part of the States capital portfolio, including on-lending to schemes progressed under alternative delivery arrangements, with the interest charged on that amount and any associated expenditure for arranging the facilities and their ongoing administration to be funded as "Financing Costs" from the General Revenue Account.

19. To rescind or rescind and replace extant Resolutions as set out in Annex 6;

20. To agree to adopt an approach consistent with the management of the work of government when prioritising legislative drafting and therefore approve the proposed Schedule of prioritised drafting of legislation as set out at Annex 7, noting that where possible during this term of government every effort will be made to reduce the requirement for future legislation by ensuring that legislation is only recommended where there is no practicable alternative solution; and

21. To agree the revisions to Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees, as set out in Annex 8 and direct the States' Assembly & Constitution Committee to amend the Rules accordingly.

10 **The Deputy Greffier:** Article 1, Policy & Resources Committee – Government Work Plan 2021-2025.

The Bailiff: I invite the Vice-President of the Committee, Deputy Soulsby, to open the debate.
Deputy Soulsby.

15 **Deputy Soulsby:** Thank you, sir. Today is an important day for our community. It is a day when we focus fairly and squarely on our Islanders and our Island. A day when we set out what Islanders can expect and when for the whole of this political term, in the hope that we do not get another

public health crisis in the form of a global pandemic, or a political decision, similar to Brexit, neither of which we have created but could clearly not ignore.

20 Before I get into more of the detail, the process we have followed, the outcomes we are seeking, I want to remind the Assembly what kind of Government, community and economy we decided we want to be. This is the Assembly's plan to work in partnership to recover our economic prosperity, build on our inclusive community values and capitalise on our many strengths to make Guernsey a safe haven, based on sustaining health, wealth and community.

25 This is the opportunity to build: to build on our successful management of the pandemic; to build on our recovering economy; and to build on our reputation. To build, we must invest in our economy and our people, in our public spaces and housing and in our infrastructure and our marine and terrestrial environment.

30 The inter-connections between the economy, social inclusion and environmental sustainability are critical and, if balanced in the right way, will help Guernsey build a competitive, sustainable, safe and secure wellbeing economy. The Assembly's plan, the Government Work Plan, invests resources heavily in a cohesive, integrated and focused Plan, that encompasses every States' initiative outside of the usual business, through to the end of the term. That includes that continued focus on the must-do work of COVID-19 and Brexit, but also recovery, capital projects, extant Resolutions, prioritise legislation and, last but not least, the reshaping of Government.

35 The Plan also recognises that our economy is linked closely to that of our friends in Alderney, with whom Guernsey is effectively in fiscal union, and of Sark. The Islands' Assemblies are mindful of the mutual benefit in Guernsey, Alderney and Sark having strong economies and, where appropriate and practical, will seek to work together in order to strengthen those economies.

40 I would like to thank those colleagues in the Assembly who have worked with us as we have developed this Plan. It has been an intense few months. We have had workshops, Presidents' meetings and briefings, during which your input has been invaluable and I am especially grateful to the Members of the Government Work Plan subcommittee, who examined the emerging recovery actions and provided us with our recommendations.

45 We did not all agree on every action but challenge was respectful and consensus was reached. There has also been engagement outside the States that has helped inform the Plan in front of us today. This has included those who speak for the economic sectors and those who carry out vital hands-on social and environmental work in the community. They include business groups such as the Chamber of Commerce and Institute of Directors and third sector organisations, such as the Guernsey Community Foundation, Age Concern, GDA, SAFER, Liberate, La Société Guernésiaise and the Biodiversity Partnership Group.

50 We could have done more if we had been able to take longer but we know from previous terms that the consensus Government arriving without one single manifesto to get behind needs to move more quickly than we have in the past, to establish that shared list of work for the term. And so this wider engagement will continue once this Assembly agrees its plan, as they work in partnership with the private and third sectors, co-designing operational solutions and commissioning their services in a more effective way, as we reshape Government to serve the community better.

55 Yes, the Policy & Resources Committee is presenting this policy letter but we have been acting as facilitators, not dictators, in putting this policy letter together. It has been an Assembly effort. Now, I think it is worth taking a moment to consider the position we are in today – the context against which this Plan has been developed. We are forging a path out of COVID restrictions and to a time where we can live responsibly with COVID, thanks to our successful vaccination programme and the management systems we have put in place.

60 But we all recognise that, as a Government, COVID will consume a significant amount of resources for some time to come. It is not going away any time soon. The new normal, if there is such a thing, will involve significant monitoring of public health threats.

65 We continue to manage the effects of Brexit. Reaching international standards is an essential part of what Government does. Our jurisdiction's autonomy, international identity and adherence

to international obligations must be maintained with the changed global landscape. This priority area is complex and multi-faced and, as such, it requires a significant amount of States' resource.

Even before COVID and Brexit came along, Guernsey faced challenges, including climate change, an ageing demographic and growing inequalities between Islanders. But COVID has magnified those inequalities, hitting some parts of our economy and some Islanders harder than others. It has lengthened waiting times for elective operations, increased rates of domestic abuse and impacted the mental health of those who would ordinarily be the more resilient in our community.

And, of course, managing COVID's impact has had a profound detrimental effect on States' resources. I do not just mean financial but human as well. Perhaps, even more so. Vaccinating, testing, contact tracing, providing business support, running the helpdesk and developing new systems and policy responses, including emergency regulations, has required us to reconfigure and reprioritise our workforce to carry out this vital work and this will have to continue.

It has meant that some projects have had to stop. Our human resources, our staff, are stretched, just when the Island needs extra resource to facilitate recovery. Those who have had an active role in defending our Islands against COVID are also exhausted. They have done an amazing job but we need to accept that you can only stretch a rubber band so far until it snaps. So, while aspirations are high, the challenges are great, time is short and finances are tight.

It is against this context that we have developed the Plan before us today and I would just like to go over what is in the Plan and how we will make it work. What will this Plan do? We know what it cannot do, it cannot tackle everything we would like to do as we simply do not have the resources to implement complex strategies and entire, multi-faceted programmes of new policy work and capital build all at once.

In an ideal world, with unlimited resources, we could strive for utopia, but I am afraid that is not our reality. We must prioritise and focus on where we can make the most difference and get the best bang for our buck, or Guernsey Pound. This Plan focusses our resources on immediate economic, social, environmental needs based on evidence from our community and urgent needs identified by the Committees of the States. But at the same time it also sets our Islanders and our Island on the road for a thriving, sustainable future.

The Bailiwick's future rests on its people and this Plan focuses on what Islanders need to flourish and prosper and it does so by focusing on the wider determinants of health. These are much broader than focusing just on the immediate needs for health and social care but recognises that to thrive we need a good standard of education, skills, economic opportunities, housing, safety and a healthy environment.

When Islanders strive, the economy thrives and when the economy thrives, Islanders thrive. A virtuous circle that recognises these synergies underpins the Plan. Its 16 outcomes align with the UN Sustainable Development Goals, which provide a basis for Government policy making to spur economic growth, ensure health and wellbeing, reduce inequality and protect the environment.

The Plan supports our Island's core economic drivers while enabling growth, regeneration, diversification and innovation. It cuts red tape and reduces unnecessary burdens on business, while meeting international standards through proportionate, risk-based regulation. The Plan invests in the Island that sustains us all, enriching and regenerating its economy, improving its digital connectivity, physical infrastructure and transport links and protecting its natural assets.

It addresses a trend of under-investment in the Island's infrastructure, where the States have fallen short of their own capital investment targets. While on the subject of infrastructure, I must address the understandable frustration expressed this week by the Douzaine of St Sampson's. This Plan has identified in its actions some of the issues raised but is realistic and honest in not promising it all. It is also the vehicle for managing inter-dependencies and impacts the decisions, giving them visibility and forcing the decision on whether to resource to completion and, if so, what does not get done.

This is why we are recommending a governance structure that supports across-Committee decision-making and operational working that would deliver the outputs and outcomes. This Plan is very much about prioritising, taking action on the essential and pressing needs of our community.

This is why we have a top ten list of recovery actions for immediate urgent resourcing, which zero in on those wider determinants of health.

We will take immediate action on physical and mental health, implementing new occupational health schemes and a pilot mental centre. These are gaps that have been identified for some time and particularly given the effect on Islanders of the last 16 months, they are required as a matter of urgency.

We have heard a lot about NICE TA drugs programme, which as Members will know, I led as HSC President in the last term. Again, we would all love to provide every possible pharmaceutical remedy to everyone, no matter the cost, but we have to look across all our needs as we learn to live with COVID and respond to its impact.

So, while we will modernise the Hospital that provides Islanders with those much-needed postponed surgeries and we will focus on improving primary and community care, other advances must come later when, as an Assembly, we have determined how to fund them sustainably – a decision that was not made by the last Assembly.

Employment opportunity, education and skills and housing are also part of these wider determinants of health that come into the top ten that will support the finance sector and boost tourism and set out and resource proposals to grow Islanders' knowledge and skills, whatever their age.

We all know how urgent our housing issue is right now. Demand is up and supply is not matching it, with consequent increased house and rental prices. Our young people, already disproportionately impacted by COVID, are again bearing the brunt of this and we are struggling to recruit key works in public and private sector roles because the housing market is overheated. Government is going to have to intervene. The Plan will deliver the urgent measures necessary to address these housing pressures.

Housing is tied up in another top ten priority, population. We will assess the fitness for purpose of our Population and Immigration Framework, recognising the need to balance economic concerns with maintaining the Island's quality of life that sustains us all. In addition, we will build upon our criminal justice strategy by developing a phased, inclusive justice framework that recognises the relationships between family, social and criminal justice.

And the Plan acknowledges how a healthy environment is highly valued by the community and is an economic enabler and therefore includes initiatives to assess Guernsey's marine environment, about which little scientific data exists, and secure the extension of the Paris Agreement on climate change to Guernsey. As a flagship example of that forthcoming commissioning strategy to make Government more effective and efficient, we will help ensure the Island's environmental protection with a new Nature Commission.

As you can see, the Government Work Plan is not all about the economy, nor is it all about health and social concerns and neither is it all about the environment. All these aspects are important and inter-connected and working with the Committees of the States, the Policy & Resources Committee has tried to facilitate this greater understanding and present a co-ordinated, phased and resourced plan of workstreams to deliver those strategic outcomes as we agreed.

We are recommending each recovery workstream has a cross-Committee governance structure to support us in delivering our mandated responsibilities to lead the policy and planning process and promote and facilitate cross-Committee policy development. The Committee has again reviewed the prioritisation of legislation for drafting, noting the impact of Brexit and the future impact of international Moneyval inspections.

The working group that makes recommendations to the Committee has continued the regular engagement with Committees and has used that information to assess each item while the Plan was being developed. The recommendations laid before the Assembly now align with the Plan in a way that has not been done before.

Our mandate to focus on the execution of the decisions of the States is one that the Committee will discharge resolutely. What we decide here, at successive Meetings, on a myriad of policy

matters, will continually update the Plan, which is a responsive mechanism to the immediate and longer-term needs of our community.

175 However, the resourcing requirements will continue to be assessed and managed by the Committee against the strategic outcomes and competing resource needs of actions already planned by the Assembly.

180 So I have focused on the what; now, I would like to focus on the how. It is a big, all-encompassing Plan and, boy, there is a lot in here that we are saying we will do in a few short years, with limited resources. So, how exactly are we going to achieve it? It is very clear that doing things the same old way we have been doing them will not be the answer. Islanders know that. They have been saying so for years. It was an election issue and appeared in many manifestos and we, as Members of the Assembly, need to act now to remedy this.

185 This Plan calls for us to do things differently with greater vision, innovation and collaboration, new ways of working. Despite our aspirations to do everything for those we represent, we just cannot do it. It is not about lack of vision, but simple fact. We cannot continue to over-promise and under-deliver. But the good news is, working with those with specific expertise can result in delivering more and better initiatives through partnership working.

190 Guernsey may be small but we have a wealth of expertise here on-Island. Sometimes the private sector is better positioned than the States to take forward an infrastructure project, for example. Guernsey also has a thriving third sector, one that already works closely with Islanders and accomplishes great things.

195 This Plan calls for a new model of partnership working and commissioning that will leverage these resources to deliver more effective projects and programmes. As soon as possible, we will review the Machinery of Government, with an eye towards understanding why we were so successful in getting things done during the pandemic but can struggle with our core business.

200 We will need to be strategic about the financial and human resources that we do have. Yes, resources are now stretched very thin, as I have already said. That does not mean just buying in more resources is the answer, though. The truth is the people are not out there anyway. For the sake of the implementation of this Plan as a whole, Committees will need to continue to share or redeploy their staff resources as needed, which they have already done so well in our COVID management programmes.

205 Our States' Transformation Programme must also continue apace, with even greater focus on preparing for the reduction in workforce that lies ahead, given our demographics. If we are to increase our Island's workforce, we need them to be economically active in driving GDP, rather than adding to a growing state sector.

This leads me to the funding and investment plan. This sets a financial framework for this Plan and this term of Government. It sets out a framework for funding both the day-to-day services delivered by Guernsey's public sector but also the priorities of this Assembly and the investment both necessary and desired in our Island infrastructure.

210 The work undertaken to develop this Plan has been thorough and detailed but estimated income and expenditure over a five-year period can never be precise, particularly in the current climate. That is why the Plan should not be read as a precise Budget for this term of Government, but as set out in Proposition 8, a framework within which funding will be secured and financial resources allocated.

215 It has been designed to be affordable within the current tax structure and the resources available to this Assembly. Members of the States should not conflate what we are seeking to do through the funding and investment plan with what we are working on in developing the proposals in the Tax Review. The Tax Review will set a longer term sustainable tax base for raising the revenues Government will require and Deputy Helyar will speak further on how the Plan and the Tax Review complement each other, later. However, I just want to stress that we have tried to develop a funding and investment plan that supports delivery of Government's priorities. This is the funding that is required if we are to progress all of the policies and initiatives set out in the Government Work Plan.

220

Now, Propositions 9 and 10 set out what will be required to make this Plan work. Firstly, Committees need to ensure that resources are directed to the priorities we agree today. This includes through Budget submissions. While Proposition 11 is flexible enough to accommodate the costs related to the priorities changing, we can no longer accommodate bids for service developments, which have not been prioritised as part of this process.

If these are required then we need to consider them as part of the Work Plan next year, or the year after that. This is how we will ensure that we direct our limited resources only to agreed priorities. We, also, all need to take responsibility for the delivery of savings. We cannot require the public service to find savings and then not make the difficult decisions necessary to realise them. The framework does assume that savings will be delivered. If that is not the case then it will have an impact on the amount available to spend on other priorities. It is that simple.

I will just focus on borrowing, now. The funding and investment plan sets out the resources available to this Assembly to fund its priorities. Section 7 examines the funds available and makes recommendations as to how they should be used. The Committee considered several different options before agreeing on the recommendations set out in the Propositions. In doing so, we tried to balance the funds we already have, the needs of the community as identified by this Assembly through the work of the Government Work Plan, and the position of successive Assemblies with a need to borrow.

The fact is that if we wish to progress the capital priorities set out in the Plan we have no alternative but to borrow and to explore different delivery and financing models in order to help make our scarce resources stretch further. We have set out a new borrowing option in the Plan, which shows that without agreeing to new borrowing or the use of the existing bond proceeds, the States will have about £52 million to invest in capital projects over this term.

On top of that, we all know that our infrastructure spending has fallen behind and that there is a need to invest during this term. We will need additional funds to do so. The very real and immediate impact of a decision not to borrow is that when we continue the debate on secondary education, we must have at the back of our minds that, as things stand, we do not have enough money to fill any Propositions agreed or complete phase one of the Hospital modernisation.

In fact, it is worse than that. Assuming we want to leave some funds in the bank for the next Assembly, after we have funded the minor capital already agreed, this year's deficit and the recovery of our loss, we would only have about £52 million left for capital. This is not enough for the must-dos of £80 million, or finishing the in-train projects of £60 million, let alone a school or a hospital.

What we have ensured is that our proposals are costed and affordable, including the repayment of these funds. Assuming we carry on making cash surpluses of approximately £15 million for another 20 years, total accumulated surplus would reach approximately £380 million over 25 years. This would be enough to pay back the original bond, any borrowings of £200 million, but is subject to the Proposition being agreed to enable general revenue to be used to cover borrowing costs, as the conditions of the bond do not currently permit this.

Sir, to conclude, the Government Work Plan has the wellbeing of our Islanders and our Island at its heart. Despite the short timescale in which it has been developed, it has been very carefully crafted to provide for recovery, sustainability and resilience across the board, and it features phased actions that support, complement or enable one another to best drive the outcomes this Assembly has already determined.

The whole of this Plan is greater than the sum of its parts and it is phased in such a way to make best use of the States' resources. Now last week I spoke about squaring the circle and how this has been proved to be impossible, using a ruler and compass. Now this is one of three classic problems of the Ancient Greek work, alongside doubling the cube and trisecting an angle, all of which have proven to be impossible.

But there is another pearl of wisdom that should be added, which I like to call the Gollop Rule, as it is commonly used by said Deputy, and that is, you cannot have the penny and the bun. This Plan has been very carefully costed for the next 18 months and estimates for the full political term,

to help us make the very best decisions we can. There is a contingency to deal with unknown unknowns, but it is not generous.

This means that any changes made to it will impact the Plan as a whole and to copy another phrase, this time by Deputy Trott last term, they will not be lost in the roundings. So, anything else added in will mean something else has to give. Sir, I will end as I began. The last 16 months have had a huge impact on Islanders in so many different ways.

Those with conditions which meant they had to hide away for months before we had a vaccine, businesses who had to close because their customers could not arrive, students who had their university education completely disrupted, teachers who had to completely change their way of working and last but not least all those who have spent the last year and a half directly managing the pandemic.

No one has been untouched by what has happened. We owe it to all our Islanders to come together and deliver what they need. The Committee is confident that we have collectively arrived at the right Plan for Guernsey at this moment in time. It takes action, it will boost Islanders and the Island itself and it lays the groundwork for our collective bright future. Thank you.

The Bailiff: First of all, Deputy Brouard, Deputy Dudley-Owen, Deputy Taylor, Alderney Representative Roberts, is it your wish that you all be relevéd? (**Several Members:** Yes please, sir.) I will mark you as present, thank you very much.

Now, Members of the States there are currently 12 amendments that have been submitted. You have seen the running order that I have set out for how they will be dealt with. The first two we will take, hopefully, comparatively swiftly, because they are Committee-led amendments and a bit of tidying up. So, first of all amendment 10, proposed by Deputy Ferbrache.

Deputy Ferbrache: Thank you, sir, and it will be seconded by Deputy Soulsby and it is a technical amendment and I will read it. It says:

[Amendment 10](#)

In Proposition 14 to delete the expression "paragraphs 6.2 to 6.10" and replace with "paragraphs 9.5 to 9.10".

Indeed, if one looks at Annex 5, which begins at page 130, and the relevant pages are 179 and 180, and then we see on page 180 at paragraph 9.9, that there is reference to Annex 11.9. In fact, that is an error. The two appendices were consolidated and the reference was overlooked and that was not corrected. So, there is no missing information and in fact Annex 11.8 begins at page 196 of the Billet. So, sir, on that basis, I ask that the amendment is laid.

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

Deputy Soulsby: Yes I do, sir, thanks.

The Bailiff: Thank you very much. It is a technical amendment, Members of the States, so I imagine there will not need to be any debate on it. I will simply put it to you. Those in favour of amendment 10, proposed by Deputy Ferbrache and seconded by Deputy Soulsby; those against?

Members voted Pour.

The Bailiff: I declare that amendment duly carried. Next, we are going to amendment 11, which is similarly proposed by Deputy Ferbrache.

Deputy Ferbrache: Thank you sir and, again, it will be seconded by Deputy Soulsby, and it is:

[Amendment 11](#)

To add a new proposition: To: a) change the Special Meeting scheduled for the Policy & Resource Plan Phase 2 Report on the 29th September 2021 to an Ordinary Meeting; and b) amend references to the 'Policy & Resource Plan' in the Rules of Procedure of the States of Deliberation and their Committees to 'Government Work Plan'.

I believe, sir, this is self-explanatory and of course will allow that Meeting, if the States so approve the amendment, to be used for Ordinary Business.

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

Deputy Soulsby: Yes, I do, sir.

330 **The Bailiff:** Thank you very much. I do not see any Member rising to speak on amendment 11 and therefore, once again Members of the States, I will put to you amendment 11, proposed by Deputy Ferbrache and seconded by Deputy Soulsby, which will add a new Proposition, we will call it 22 probably. Those in favour; those against?

Members voted Pour.

335 **The Bailiff:** I declare that amendment duly carried.

[Amendment 8](#)

In Proposition 5, after "Annex 2" to add "save to remove 'Review the delivery of Primary Education' from Annex 2."

The Bailiff: The third amendment is amendment 8 and this is being proposed by Deputy de Sausmarez, do you wish to move this amendment now, Deputy de Sausmarez?

340 **Deputy de Sausmarez:** Yes please, sir.

The Bailiff: Thank you very much. Do you wish it to be read at all?

Deputy de Sausmarez: Yes please, sir.

345 **The Bailiff:** Greffier, could you read amendment 8, please?

The Deputy Greffier read out amendment 8.

The Bailiff: Deputy de Sausmarez, then, please.

350 **Deputy de Sausmarez:** Thank you, sir. Unamended, the Government Work Plan, would see the review of the delivery of primary education delayed until the next political term. In other words, work would not start on the review until 2025 at the earliest, so its findings would not be acted upon until perhaps a year or two into that term, assuming the next Education, Sport & Culture Committee hits the ground running, that is, which means that even with a fair wind we will be stuck
355 with the systemic issues currently faced by the primary sector for the best part of this decade.

Now, many Members may not be aware of what those systemic issues are, so I will summarise them. We have 11 primary schools in Guernsey. Now, I am not counting St Anne's School in Alderney because it would not be included in this review's scope. Four of those primary schools in Guernsey, have three forms of entry while, at the other end of the scale, three of our schools are just one, or
360 1.5 forms of entry. Our biggest primary school has more than 560 students, which is typically larger

than two of our secondary schools, certainly as they have been in recent years, and our smallest primary school has just over 150.

365 Distribution is the real problem, though. The two non-Catholic Town schools and St Martin's in particular, are bursting at the seams, whereas some other schools, particularly in the west, run at a much lower capacity. This very large disparity in school sizes and uneven distribution has a material impact on the delivery of primary education.

Average class sizes typically vary wildly between the schools. Now, officers who, as ever, have been very helpful and responsive, have not been able to provide me with the most up-to-date figures, but the last time I checked, St Martin's had an average of close to 27 pupils per class, whilst 370 one of the schools in the west had an average class size of just 18 pupils.

Especially given the fact that our primary schools are currently funded per class rather than per pupil, this makes a massive difference. The squeeze on capacity in some schools causes a kind of domino effect, bumping series of students out of catchment. Now, I know from my role as a member of the St Martin's Parish schools committee, for example, that we regularly have frustrating 375 situations where children who live a short walk from their local parish school are told they have to go out of catchment, usually down to the Forest or La Houquette, because St Martin's typically takes the overspill, for want of a better word, from Vauvert and Amherst.

Essentially, it seems that we need more primary capacity in Town to address this problem, especially in light of the States' focus on bringing more people and therefore more families to live 380 there.

One of our Town's schools, Vauvert, has more challenges than many, as a result of its Victorian building and its constrained location. It has very limited outdoor space, for example, to the extent that its fire assembly point is in fact at Trinity Square. They do fantastically well with the building and space that they do have but any review of primary education should look to see how the 385 provision of that primary education could alleviate these pressures.

Another very obvious need for attention is La Mare de Carteret Primary. As Members I am sure know, this school is in poor condition, having now significantly exceeded its intended lifespan. This school was given a £200,000 facelift in 2018, as it was described at the time, but serious problems remain and they do compromise the experience of students. For example, some classrooms are 390 unreasonably cold for children and staff in winter and unbearably hot in summer. Repeated attempts to alleviate the problem have made only a marginal difference.

La Mare de Carteret Primary educates some of the most disadvantaged children in Guernsey and we really cannot accept adding further disadvantage by continuing to provide them with wholly inadequate school buildings.

395 So there is, as a result of this situation, which is not new, an extant Resolution that notes that the business case associated with the pressing need to redevelop La Mare de Carteret Primary School, will include the results of a review of the capacity and the primary phase across the Island and this Resolution is there for good reason.

Three successive committees, Education Committees or departments, that is prior to this one, 400 have concluded that primary education will need to be provided at La Mare, so there is no reasonable doubt that the school should be rebuilt. But before we commit the millions that would be justifiably required, we need to understand what we need to rebuild. Are we going to build it back the same size as it is currently, knowing that we are baking an expensive redundancy in other parts of the primary sector, in the form of hundreds of surplus spaces?

405 Or are we going to build it at a different size, to enable us to run a more efficient primary sector across the board? I do not know the answer, because the work to find the best educational and economic way to organise primary education has not yet been done. But what I do know is that it would be myopic to rebuild that primary school without having done this review of the delivery of primary education beforehand.

410 Onto resources now. With so much focus on the review of secondary education, Members would be forgiven for assuming the primary review might be anything like it. But they are two completely different kettles of fish. Whereas the £10 million figure cited in P&R's response to the amendments

no doubt includes the cost of various consultants, design work, traffic impact assessments, the transformation team and many other professional fees over the years, including crucially the work that was carried out to a much greater level of detail than the secondary proposals before us at this moment before that work was aborted, the primary review will involve nothing of the kind.

It can be done, as it has always been done in the past, by existing officials in the department and if current staff are too busy with the transformation of secondary education, it would simply take one member of staff, or if the Committee prefers an external consultant on a temporary contract, perhaps, to do this work, which even with that just one person on it, should be complete well within a year.

We are talking about a cost in the region of some tens of thousands, certainly nowhere near millions, and some of the preparatory work has already been done, in fact, because this workstream was started last year, in the last political term, with the necessary resource put in place ahead of the election. So, presumably, that work would have started in earnest in the last autumn or winter, but I believe it has been halted.

Resources are not a reason to delay this much-needed review of the delivery of primary education. Resources are the very reason we should be pushing on with this vital work. We are currently running at 660 spare primary school places across the Island, a whopping 177% spare capacity across the primary sector as a whole. That is the equivalent of more than one-and-a-half spare, average size primary schools.

We know from the projected decline in student numbers, that this will become much more exaggerated within even the next 10 years. Notre Dame and Hautes Capelles are both dropping forms of entry come September, in fact, due to falling intake into the reception year group. So, that spare capacity percentage will be even higher than 177% later this year.

It does not take an expert in either education or economics to work out that we are not currently using our resources efficiently. The modest cost of a single member of staff or even an external consultant to do this work is dwarfed by the ongoing costs of running our primary schools without addressing these pressing issues.

I expect all Members who stood in the election on a platform of driving down the cost of the public sector and delivering better value for taxpayers' money, to get behind this amendment with particular enthusiasm, because we know we are not running the primary sector efficiently and we know that we are therefore not spending taxpayers' money as wisely as we should be. So, a vote against this amendment, is a vote against fiscal prudence. It is as simple as that. But *vice versa* is also true. Thank you.

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

Deputy Falla: Yes, sir.

The Bailiff: Thank you very much. Deputy Ferbrache.

Deputy Ferbrache: Sir, this is the first test, really, of this Government Work Plan, in relation to these amendments. Deputy Soulsby spoke it out in words of few syllables that there are limited resources. So, if something of significance is put back into the Plan, something else effectively will have to come out.

Looking at the Government Work Plan itself, there is already a massive amount to do over the next four years and, frankly, even if we were to approve the Government Work Plan as unamended, not all that will be achieved. A fair bit will not be achieved. You have got to be aspirational, though. You have got to try.

I note that Deputy de Sausmarez refers to Vauvert School. I went there: infant school, from 1956-1958 and it was an infant school and then a senior school. So, you had 11-year-olds playing next door to, as I was then, a five-year-old. There was also always an issue of outside space. She refers

rightly to the unequal distribution of children within the various schools. That has always been the case.

But, of course, lots of people, I was not in the States at the time, States' Members, were recommending not to rebuild the Forest School because it just did not make any sense. It was rebuilt at considerable expense. Great pressure from the middle classes to rebuild it because they wanted their children to go there before they took the 11-plus and if they did not they would then fund them to go to the colleges, because there were a significant number of middle class aspirational people who sent their children to that particular school.

What we have got to look at is the question of resources. There was a contradiction between her written speech and the explanatory note, in relation to amendment 8. Because in amendment 8, Rule 4(3) information:

There is no immediate financial implication in removing this item from Annex 2. As with other items in Annex 1, the Committee for Education, Sport & Culture will need to further explore the resource requirements with the Policy & Resources Committee.

Yet we had, I must say a little glibly, by Deputy de Sausmarez, the statement made to do this it is only going to cost a few tens of thousands of pounds, when the letter that I sent, which was prepared after discussion with my colleagues and officers, dealing with the various amendments and sent only on 20th July, referring to this particular amendment, says:

Whilst the amendment states that there is no immediate financial implication, the delivery of this action would require considerable financial and human resources ...

Bear in mind, and again this is the point that Deputy Soulsby made, it is not just money, it is also people. There is not an abundance of people sitting around with capacity doing nothing or have time to be able to do this kind of review. It goes on, the note that I sent out, says:

... as has been demonstrated by the ongoing review of secondary education, which has required considerable funding in excess of £10 million ...

Deputy Dudley-Owen gave that figure, £10.7 million, or whatever the precise figure was, when she spoke in the education debate last week.

... consultation and officer and political time. There is insufficient capacity within the education system to effectively support this review whilst progressing the other work in the Plan. In addition, the current sequencing of education work is vital and the current planning allows for this.

This is the first test. If the Assembly says that this has to be a priority, then of course it will be. But there is no practical way that it will be achievable during this States. So the States will be able to go out and say, 'We have done a wonderful job. We have made primary education,' which everybody in this room accepts is of significant importance, 'we have told the States it has got to do it without any blinking idea of how it is going to be achieved.'

The Bailiff: Deputy Gollop.

Deputy Gollop: I think I made a promise to Deputy Ferbrache yesterday or recently that I would not speak on every amendment and I am at risk of breaching that one and also perhaps not supporting Education, Sport & Culture as much as I should because I think they are making a very good start, in many ways, on trying to move many issues forward.

Another promise I am probably breaking is the one that we all make, or most of us make in manifestos, about spending money efficiently. But Deputy Soulsby, for example, has often said, and I think all of Policy & Resources have said this too, not just about the penny and the bun, although I think perhaps you can have both with this amendment, that this is our Plan, it is not the Policy & Resources' Plan, it is the Assembly's Plan.

So, inevitably, there is an opportunity, wise or not, for us to amend it. Actually, when I first saw this, when I sat down, I had kind of been against it, in a way. Not because it is not needed, Deputy de Sausmarez has made an extremely strong case for it on many grounds, rational, support for people with disabilities, logic, geography and so on, but because I did not like the consequences that would arise from it. Because we know where this is likely to go.

In politics, when you agree to a review, it is rarely an impartial thing. You are not doing it for a thesis or because you are a consultant and you want to charge for it. It is more that there is an end goal possibly in mind and the hint here is that our primary sector is a bit inefficient and is perhaps unevenly distributed and maybe we could do with less schools.

I do not want to hear that message, really, because I am a great believer in the small school, small is better. I voted against the Delancey School and of course the St Andrew's School closing down and I think they are an important part of our culture. Where I might agree with Deputy Ferbrache is I believe I went to a seminar that the previous Education, Sport & Culture Committee held, funnily enough at the College of Further Education, and we kind of heard from a senior figure there, that there is a very high proportion of children, historically, from the lovely La Hougette School in the countryside, who end up, historically, going to the Grammar School or the colleges, or as privately funded pupils. It is a much higher percentage than some of the other schools on the Island.

So there are differences between the schools and anecdotally I am a user of the buses from time to time and if I am going up the Grange at a particular time in the evening – four o'clock – the routes going to the north west and the south east of the Island pick up a few college students, from Elizabeth and Ladies, but the western route – west is best, perhaps – have to have duplicates, because there is a much larger number of pupils who attend some of the better schools in the centre of St Peter Port, who probably live out in the west of the Island.

So, there are interesting elements to this. But because I do not want to see, unless it is absolutely and overwhelmingly necessary, any closures for the west, I thought let this one go as a topic. Of course, we know that if you challenge existing parochial feelings, existing excellent schools, with teachers who love what they are doing, they are likely to resist a change message, so we could save Education, Sport & Culture a lot of extra work there.

But where I do support this amendment is actually for a different reason and that is both Deputy Falla and Deputy de Sausmarez are colleagues of mine on Employment & Social Security, and we look at equalities across the piece and we have had a lot and we have always had an interest in education, with the Family Allowance issues and so on. I have been a Member of the Chamber for nigh on 24 years and I have been aware throughout that time that there are many excellent primary schools on the Island and two of them happen to be, or three of them if you include Blanchelande, but two of them are Roman Catholic spirit schools with an ethos, are actually part funded by the state. The salaries and human resources and facilities costs are paid by the state, the buildings are I believe supported by the church. They are excellent schools and long may they continue but I think the way in which perhaps young people have been selected over the years, or not selected, opens questions.

We heard from Deputy de Sausmarez, of the real truth, that Vauvert School, which is an excellent school, I have often gone to the fetes – once they put me and threw sponges at me, but never mind – is an excellent community school but it struggles for space. It has not got the luxury of lots of playing fields and it is one of our most inclusive schools as well because there are possibly a greater variety of parents from different parts of Europe and elsewhere within the area. But it is very near another school, which is probably equally excellent, Notre Dame, where I know people would wish to go to, if they had the choice.

But sometimes the Roman Catholic Church and the Education Department or council or whatever it has been called, have had a comparatively liberal policy of allowing pupils from diverse backgrounds to go and sometimes they have not. That may depend on all kinds of factors. But I think we have to not spend money, not talk about closing schools, not talk about undermining choice.

In fact, I am a supporter of less rigid catchment areas and more choice and, listening to Deputy de Sausmarez, about the contradictions of being in St Martin's or the Capelles, which are huge schools, bigger than some secondary schools, and who want to provide excellent special needs but they have the curious situation that somebody who lives in the parish might not be able to go because they are taking people from another area, which is adjacent to the parish, makes me think that we could do with not only more choice, but a greater equity in the sense that somebody who lives in one parish goes to a big school and somebody who lives in another parish goes to a small school. There are advantages and disadvantages in both.

I also believe in faith schools, as long as they are not extreme in any way, and I believe too that people benefit from going to faith schools and sometimes people of other faiths as well. But we do need analysis and a conversation about the history and the current situation and work towards what will be a progressive re-evaluation and resourcing of this.

Therefore, although I would not say it is the highest priority because I do not think the crisis is pressing, with the arguable exception of special needs provision and La Mare de Carteret complex, which we will come to in a different debate, I do think, on balance, this should be included in the package and that we would be wise to include it. You never know, it may result not only in better policy and, not a safer space but a better space for young people and outcomes, but it could also lead to saving money in the medium to long term. So, I do support the amendment.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir. So the response we received from P&R on this amendment says that whilst the amendment states there is no immediate financial implication, the delivery of this action would require considerable financial and human resources. Well, I first of all wanted to address that, actually, what would be the cost of inaction on not proceeding with this action. What are the clear financial implications of not actually addressing what has been raised by Deputy de Sausmarez?

What she raised, which was actually news to me and so it was very useful and informative to hear about the huge discrepancies we have across the primary. I was not aware we have 11 primary schools, I was not aware that we have a 550 school and the smallest school is 150. The statistic that really stuck in my mind was the 177% spare capacity.

We are operating over capacity in our primary sector. What is the financial implication of this? It would be, I would say, probably millions of pounds per year. So, when we have the ambition in the Government Work Plan to do a lot, we have over 200 actions, we have identified that we will need £650 million-plus to actually proceed with these actions, we have clearly identified an area, which has a structural issue, which leads to inequality of provision across the primary sector.

So, I believe when such issues are addressed in front of the Assembly, we should certainly pay attention. The problem with this action is that it is going to be politically difficult, whatever the outcomes of those reviews will be and perhaps we do not want to be making difficult political decisions in addition to all the things we have to make in secondary. But that is why we are here. We are here to make difficult decisions.

The second point in the P&R response was that the financial implications will be significant, 'as has been demonstrated by the ongoing review of secondary education, which has required a considerable amount of funding, over £10 million, consultation, officer time, political time'.

Again, I am not sure that secondary education is a good benchmark to have for what needs to be done with this review. The cost of £10 million has happened over many years, I believe several decades, and also I believe the cost – I was not here – but I believe the cost has been driven by political turnabouts. A model was approved, then changed, then changed again and so on. This is the political merry-go-round.

I believe this review does not have to be that way and when we start throwing numbers like that, £10 million, as the cost of what it might cost to proceed with the section, I do not believe in those figures. It sounds like, I thought this was important and Deputy Soulsby has said it was all about

working smarter, it was all about working more intelligently. If the Assembly had the will I can guarantee you this is not going to cost £10 million. The number will be substantially less.

So, I want to bring another point about savings. I am kind of dovetailing in other speeches that I am going to make but perhaps it should be a recurring theme. If we have the ambition to achieve all the things in the Government Work Plan, I believe it is also important that we take steps to ensure we are prudent, we are reducing costs where possible, we are really making those savings.

However, if you look at the Government Work Plan, I believe the projections of the current savings are anything but underwhelming. So, the cumulative savings that are projected to be made over the five-year period are in the region of £14 million, while we are spending £26 million on the Transformation piece.

The estimated recurring savings that we are likely to reach by 2025 will be £5 million per year, which is just 1%, just over 1% of our general revenue. Is this ambitious enough? We are keen to spend more but I believe we are not doing enough to actually save money to improve on how we run our Committees and the operations of the States.

I think we need to be more ambitious and, as presented by Deputy de Sausmarez, I think she has clearly identified there is a structural issue with the provision of the primary education, which is costing us money. We are just throwing money down the drain. I believe if we do provide a resource for this action, it could take time.

It could be developed in a time not in a rushed way, like we would probably have to do if it is pushed back into the next political term and so, hopefully, if it is done not in a rushed way, we will be in a position where we have the facts and figures to then make an informed decision of what needs to be done with primary.

I am very keen to support this amendment, actually. Primarily because we have identified a clear area where I think we can make significant savings from reform in this area and I think we as an Assembly should be doing much more with that regard and not just spend money, £650 million, that actually we do not have and we do not have a plan of how to repay that money. Thank you.

The Bailiff: Before I call Deputy Roffey, Deputy Leadbeater, is it your wish to be relevéd?

Deputy Leadbeater: Yes please, sir.

The Bailiff: Thank you very much. Deputy Roffey.

Deputy Roffey: Thank you, sir. I very much agree with the last speaker. Deputy Ferbrache said this was our first test of this Government Work Plan and Deputy Soulsby said the duty is on all of us to find ways of making savings and I agree with both of them. This is our first test of whether we are serious about looking in the medium term and making savings.

This may get put in the 'too difficult' tray and, if it is, I do not believe that it is because of the cost of looking at these capacity issues and I do not believe it is because the officers are not there to do it. I think there is another, entirely different reason why it will be put in the too difficult tray and I will come back to that in a minute.

The comparison with the secondary school review is entirely erroneous. The secondary school review has foundered because of different philosophies of how secondary education should be delivered. Should it be, as Deputy Le Tocq believes, all in 11-18 schools? We will hear more about that in the days to come, no doubt.

Should it be in the 11-16 schools, with a separate sixth form college, should that sixth form college not be a sixth form college but a tertiary college, should it be a blend of all of those? We have been going around the mulberry bush on that. That is what racked up the cost and as Deputy Kazantseva-Miller rightly says, it is also because of the constant U-turns and indecision.

There is not really that philosophical discussion over primary. Ever since, some years ago, we got rid of infants and junior schools and blended them into one single primary phase, that has not been contentious. I am not aware of any debate around the Island about whether the 5-11 schools should

be done differently. This is just a capacity issue. It is to do with global capacity across the Island and the distribution of that capacity. A far smaller task but one, as Deputy de Sausmarez says, that has the potential to bring about great efficiencies.

665 Now, I am not saying it will not lead to any significant cost because I actually agree with Deputy de Sausmarez, I think that probably Vauvert School, as a school building, not as a school, which does a magnificent job, but as a school building it is no longer fit for purpose and what is even more apparent is the site is no longer fit for purpose. That sort of constrained site with no outdoor space is a real problem and it is already over-capacity and so is St Martin's.

670 So, I am pretty sure what will come out of this review, and I do not think the review will cost very much in itself, indeed it was always planned to do it with a single officer inside a year, but what may well come out of it is a need for a new primary school on the southern edge of St Peter Port. Now, where you find a site for that is difficult. Maybe the gentleman on my left could help, I do not know, there might be some space somewhere in Government House for large estates but leaving that
675 aside, space is tight around St Peter Port but it is absolutely needed, not just to replace Vauvert but also to take the enormous pressure off St Martin's.

But I think the real reason this may be in the too difficult tray is the opposite side of that spectrum, which is in the south-west of the Island there is very significant over-capacity. Over-capacity usually leads to a rationalisation of that capacity and that will probably mean that the two
680 primary schools in the south-west – I do not want to pre-empt any review, which may or may not take place in the next four years – but it will probably need either La Hougette or the Forest just to close.

If it is the Hougette, the Forest will probably expand to two forms of entry instead of one form of entry and they have got the space to do that and they have got the more modern buildings and
685 they have got the co-location for La Rondin. So I suspect that would be the more likely route, but it could be the opposite route.

But we cannot, if we are serious about this school responsibility, stand here and say because closing primary schools is the most fiendishly difficult thing for any politician to do, we are going to do this, we are not going to look at it, let us leave it to the next Assembly, who will probably
690 leave it to the next Assembly.

We know that when we were looking at secondary schools we saw that pupil peak and go down but that peak arrived sooner, it is already arriving for our primary schools. So out in the south-west that over-capacity is going to be exaggerated. I think, if we have the courage to look how to deliver services effectively and efficiently this is something there is no way we can say should not be done
695 in this Assembly. As Deputy Ferbrache says, it will be an interesting first test.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you, Mr Bailiff. Members will be aware, sir, how you can agree on a
700 number of facts and observations but come to different conclusions. I have been around long enough and involved in education in the early years to know that this is something that is long overdue.

I entered this Assembly just after the previous Assembly in the late 1990s had decided to close some single-form entry schools, the Forest being one. In the end, because of public pressure, ended
705 up rebuilding it. So I totally agree that there is a popular danger as soon as you start rationalising and suggesting that sort of rationalisation.

That has costs associated with it, irrespective of how many members of staff it would take to do a review. There is an element, where if you look at it superficially, you say, 'just change the catchment areas and that will sort it out'. Well, it might do in the short-term but also we have got issues of
710 population. We need all our schools, but particularly primary, to be as flexible as possible in the future, in terms of intake, and there needs to be, I think, a major look at how our catchment areas work and which schools should be kept, developed further, turned into two-form entry at least.

I am in favour of small schools and I completely accept the argument that St Martin's is bursting at the seams at the moment. When I went to Castel School, there were five forms, there were huts everywhere, I spent most of my time being educated either in huts or at the Guet. That is true, we spent certainly one term at the Guet.

Then La Mare de Carteret was built and that was in the baby boom year of the mid-seventies. But the fact is we have got a declining population – at least at the moment, but that might change – and we need to find flexibility, I think, in the system, in order to be able to sustain good quality, small schools, but at least two-form entry, so that teachers are able to properly address issues, whether they are relational issues and behavioural issues, that they have got opportunity to do that at the very least. There are other arguments as well but not appropriate to get into that here.

With everything else this Assembly has committed to do, if it is going to seek to be unlike previous Assemblies, then I do not believe we can add this to it. It might be simple to do it on paper but it will take up huge amounts of time because the public – and we have seen how the public can rise up when schools are threatened – will dictate that and I would therefore counsel this Assembly not to kick it into the long grass but not to add it to the list of things, which I am already fearful we will not be able to complete.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir. I think a lot of us are standing here because we put in our manifestos that in one way or another we want to look after our people. The people voted us here, we need to look after them. Conversely, we also need to spend wisely. We need to invest in infrastructure. I have heard lots of different words describing infrastructure. 'Natural capital resource' – I prefer to call them children. The children are our future, to coin a phrase. We have spent plenty of days talking about children's education from 11-16 or 18. What about 5-11?

The children do not necessarily have a voice. We will be again discussing today about funding anywhere between £5 million-£8 million for the NICE TA drugs. The third sector has made us aware and we are all aware of that particular voice in our ear. But we are not necessarily aware of the children's voice and how we should be looking after them.

Again, looking around the room, I think I have heard 40 or so speeches over my short time here, saying that in one way or another, our previous States have under-funded our infrastructure and we have inherited this. Is our next States going to inherit our under-funding or our lack of investment in infrastructure, our children?

Let us not forget that this is a review. We have heard a few figures bandied around but also let us not forget that in the Government Work Plan we are going to be borrowing or scheduled to borrow £200 million extra, on top of the £445 million available to us. Is a review, even if it is £1 million, worth that extra 0.5%? I am sure Deputy Helyar and his colleagues in Treasury will be able to fund that in a clever way, that we can borrow an extra 0.5%.

Even if the review comes out at £10 million because it takes eight, 10, 20 years, is 5% investment too much to ask to look after our children? Let us not forget that sometimes you have to spend to save and a mantra I live by, if you want to dance, you have to pay the band.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir. It is probably best to resolve the problems in the secondary/post-secondary education sector this term and of course to ensure that the resources are available to succeed with whatever we decide this term with respect to the secondary/post-secondary sector. We are dealing with a huge sector there and a large number of teachers and a large number of students.

The primary schools are community schools. I have always felt that that is an important fact because people like to walk children to their schools and as a result the community aspect is

extremely important to them. In fact, at the Houquette School, for example, we have got an actual programme developed for walking children to school together, which is quite successful.

So I would not like to see further rationalisation and closure of primary schools, which would be probably one of the options that would come out of any discourse with regard to the primary sector. In fact, I voted against St Andrew's closing and now we can see that it might have been a mistake because when closing one school, it means that those children have to be placed at other schools and this leads to building on other schools to take pupils from those that close. The over-capacity, actually, at St Martin's, as has been mentioned, was not helped by the closure of St Andrew's School, because a number of those pupils, from St Andrew's, went to St Martin's at a time when they were already at capacity.

I will resist closure of the Houquette and the Forest primary schools. The Houquette, now, is a two-form entry and you can argue that the Forest Primary School is a two-form entry with Le Rondin, and closure of one of the two Catholic schools, too, would be a mistake, because one is in St Sampson's and the other one is in Town.

All in all, these four schools that I have mentioned are excellent community schools and need to be promoted and supported and certainly not to be threatened. We have this dreadful unsettlement in the secondary sector at the current time where a whole community is being unsettled by the possible closure of La Mare de Carteret Secondary.

That is affecting a large community in Guernsey of eight parishes, drawn into that particular school. The Douzaines are responsible for supporting, of course, that particular school, and they do it through aid to the library and so on and so forth and various activities that are run in the school. So, it really is a macro-community situation there, that is affecting, really, stability in education, which is something that is very undesirable, actually, in Guernsey. We need stability now more than ever, as we go forward, what with the COVID virus, the Brexit situation, the unsettled economic situation globally, it is very important to have stability for success.

In fact, a number of people have stated that they moved to Guernsey because of the education system in the past but they are beginning to look now at this unsettled situation and they are unsure as to where their children will be placed and therefore they are looking elsewhere. That is not good for us at this current time. A stable and successful education system is certainly key to building investment confidence in Guernsey and economic success here, and I think we should be very aware of this.

Time and time again, I have seen, with respect to St Andrew's, they are closing, those people that were responsible for that action are no longer around in this place and I think we are going to see the same with regard to La Mare, so I would just hold your horse reins tight because it could well be to the detriment of certain people acting to close a very important community school. Actually, more than just a community school, it is an Island school. So, I would suggest that we consider that it is enough, at the current time, to deal with the secondary sector this term, and the post-secondary sector, and that we leave the primary sector to a future States. Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Sir, just briefly, I concur completely with Deputy de Lisle. As he said, in previous terms we have not managed to deal with secondary education for the past two, if not three terms. So, why does anyone think we are suddenly going to deal with the primary sector in this term? Actually, when Deputy Le Tocq got up, I thought, 'He has broken ranks with Policy & Resources.' He gave me such a persuasive argument to vote for the amendment, then told us to vote against it.

Where I do have sympathy, and huge sympathy, and I will not pretend to understand entirely all of the catchments, I have got huge sympathy for St Martin's Primary School and what Deputy de Sausmarez has said about the problems they have got, managing it, road traffic, size of site. You cannot deny that Forest School on its own looks like it has got room to take some of those pupils.

So, I think, I am going to vote against this amendment but, when the President of Education, Sport & Culture responds, what I would like her to do first off is dismiss this £10 million review

nonsense. I have no idea where that came from. I think it is out of people's vivid imagination, but on a real and practical level I do think there is an obligation for this ESC to deal with, in some way, looking at the issue that revolves around St Martin's Primary School and the other issue of an empty Forest School and whether possibly use of small extensions could relieve some of that. But I do not know an awful lot about catchment areas, but something is not quite right in Denmark, there.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir. I did not intend to speak and honestly I feel like I am sitting through a different debate because, whilst everyone is talking about education and schools, all I have got in my head is the Strategic Land-Use Plan. I feel it is a bit of a *fait accompli* that La Houquette School and Forest do not have enough pupils but they do not really let anyone build their houses around them. So it was always going to happen. I am not going to support this amendment but I would support an amendment to the Strategic Land-Use Plan to allow some housing outside of the main centres so that I could build a house and could attain the school that I went to as a child. Thank you.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir. I am, after listening to the debate, going to support this amendment. The reason is that I think we ought to be able to do more than one thing at once. It should be perfectly possible to do a primary review and a secondary review at the same time, particularly as a primary review seems to be a much smaller project than a secondary review. Now, the argument that ESC have said is that they are very busy with the secondary review and I think that is undeniable.

Deputy Dudley-Owen: Point of correction, sir.

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

Deputy Dudley-Owen: The Committee have not spoken in this debate so everyone is guessing what the reasons are, so I would like to correct Deputy Matthews on that point, please.

The Bailiff: Deputy Matthews to continue.

Deputy Matthews: Sorry, I will correct myself. When I said the Committee, I meant the officer letter that Deputy Ferbrache referred to, which came from ESC officers, where they noted the amount of officer time and actually, oddly, gave this reference to £10 million cost for the secondary review, which does not really seem to be very relevant.

Deputy de Sausmarez believes that this should only really take one person, additional, to be able to do this. One of the difficulties I think I have had with the Government Work Plan is the way that we prioritise resources. I have mentioned this to Deputy Soulsby, part of the Government Work Plan planning, that we quite often find, and Deputy Ferbrache mentioned it, is not always just about money it is about people. It seems to be that in this case it is not money that is the shortage, it is the people to do the review.

But, as Deputy Gollop and others have noted, this could save money. So, it would seem like a wise investment to hire somebody or contract somebody to be able to look at this, which might then save us money going forwards. There is often this sort of euphemism that we hear about resources, which covers everything. It covers money, it covers revenue, it covers people, capital sometimes and people say we just do not have the resources.

If what we are short of is one person, to be able to do this review, and it could save us a lot of money and it could improve the lives of Islanders and it could relieve some of the overcrowding at

some of the schools ... I have a son at St Martin's, I know it is a very busy school, and it makes me wonder that if, as Deputy de Lisle said, closing St Andrew's was the right thing to do. It seems to me that a lot of the cause of St Martin's being overcrowded is because St Andrew's was closed. So, I am going to support this. I think that it could be accomplished. Thank you.

The Bailiff: Deputy Falla.

Deputy Falla: Thank you, sir. I believe it is unhelpful to delay the primary school review by rescinding it from the Government Work Plan, on the basis that the primary sector is an integral part of the holistic education estate. The review is needed to properly inform other decisions that will be needed to be made during this political term. Without it, it is like looking at the bigger education picture with one eye closed.

We have heard from Deputy Soulsby this morning that education is a top ten priority. We are midway through the debate on the future of secondary and post-16 education, which could well have an impact on the required future shape of the primary sector. Whichever model of secondary education this States supports will have an impact on how primary schools should be organised going forward.

Assuming the policy of feeder schools is retained, the eventual secondary model will need to take into account how many primary students feed in from each school to each school, so the number of forms of entry in each and the changing demographics are highly relevant. For example, we may decide that the secondary education model continues to rely on feeder schools and, I am sorry Deputy Gollop, Deputy de Lisle, we may find that demographics and falling rolls dictate that one or more primary schools should close or be reorganised in some way.

The States has committed to the rebuilding of La Mare de Carteret Primary School, but do we actually know what size it should be? The Island-wide primary school landscape should be reviewed and its current challenges and opportunities better understood if we are to have an efficient and effective rebuild of La Mare Primary.

The review should dictate whether it should be a two-form or three form entry, for example. It takes a considerable time to conduct a review, make decisions based on it and then act on those. By removing the primary school review from the Government Work Plan, it could be 2026 or beyond before that process even starts. Therefore, I contend it should be brought back into this political term to ensure both good governance and fiscal prudence.

We have heard that the cost of a review would most likely be in the tens of thousands of pounds, not £10 million, like the secondary education review. It would take a single officer or contractor no more than a year. Yes, there is a cost, but without a review we do not know the cost of not doing it. Can we afford not to?

This is the opportunity to sense-check the efficiency of the primary sector. Perhaps a one in five years opportunity. Let us not waste it. I thank Deputy Gollop for reminding us that it is *our* Plan. Once finalised, we need to own it and live with it. I would ask Members to support this amendment and put a primary sector review back into our Plan.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir. At the moment, I am undecided as to what to do and how to vote on this amendment. But of course we have not heard from the Education Committee. Could I make one small point? In terms of day-to-day management, if it is the case that St Martin's Primary is overcrowded, Forest is under-utilised and La Houquette is under-utilised, is it not a fairly simple management decision to shift the boundaries between the schools and fix that problem by itself? I will wait to hear better information from the Education Committee. Thank you.

The Bailiff: Deputy Helyar.

Deputy Helyar: Thank you, sir. I confess I have some sympathy with this amendment as well. As a member of the PAC at the time of the Mulkerrin Report, it was perfectly obvious at the time that there were problems in the primary sector and that those were feeding into poor results in the secondary sector, so I do have some sympathy for it.

I just want to say to Members who said if we do not do it now it is going to be 10 years before anything happens, it is not the purpose of the Government Work Plan to be tablets of stone, which Deputy Soulsby has come down from the Mount with. This is supposed to be a living document. It will be the purpose of this debate, during this term, on each occasion that we have it, to reprioritise and part of that reprioritisation will be affected by the phasing at which other things come into play, the speed at which different departments can get their objectives up and running and which they can come back to P&R and ask for the funding.

I also just want to put in a baseline because it has already been mentioned that we may have over £400 million to spend. I did ask the Treasurer, yesterday, to circulate to Members a baseline of the actual numbers, just so that we have got a factual base from which to work because we had, unfortunately, last week, disagreements about what views teachers had about things and I found them rather confusing. I still think we perhaps have not got to the bottom of them but, hopefully, by the time we get round to completing that debate there will be some agreement, certainly at least on the disagreements.

If we do not borrow £200 million and we do not transfer the bond reserve, we have to fund the minor capital works at £142 million, £60 million of pipeline work and other costs, which will leave us with £33 million to fund £452 million of work. This Plan is about prioritisation and there are things that are going to be very difficult decisions to make and this is one of them. I fully accept that.

I do not think it should be put back 10 years, either, but I can see that there would be prospects to have this discussion again, in due course, about whether it could fit into other phasing. That will be dependent on whether we can finish the education debate and have a final decision about which direction we go in.

So, Members need to understand that decisions we make about secondary affect the ability of that Committee and its officers to be able to deliver other parts of its mandate. I do not know how many people it might take to deliver a report on that but there is only a very finite resource available. This is not a standard debate. We cannot continue as the States has done in the past, just to look away from where the money comes from.

We will, if we do not borrow and we do not transfer the bond reserve, end up with a tiny amount of money to pay for something more than 10 times the size of the cost of it. So I just ask Members to take that into account when they make their decision. Unfortunately, I cannot support this amendment on this occasion, but I would have some sympathy for reprioritisation in the future. Thank you.

The Bailiff: Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir. So, we heard from Deputy Falla about sense-checking. It seems to me that we have only just had a review of primary education in recent years and that did result in the closure of St Andrew's and as Deputy Gollop said, Delancey, St Sampson's Primary. With it being so recently reviewed and being that we have effectively spent so much on secondary education reviews, at £10 million, does it really need to be reviewed again?

We have heard from Deputy de Lisle that possibly St Andrew's closure has resulted in more pupils going to St Martin's, its neighbouring parish, but possibly Education should be left alone to decide and consider what changes they are going to make to the primary school system, if it is needed.

I have to say, if this amendment came from the President of Education, it would have my full support. But it does not and probably listening to our Chief Minister, if money is not there, I am not going to support this, I am afraid. It is of concern. During the election, loads of primary school teachers came to me and they felt our system in primary was just about right, just about perfect.

So, I do not like education being politicised. I do not like that. I think Education should be left to get on with it, really. It feels at times like we are playing Russian roulette with it. That is not right. That is not good governance, I do not think. So, that is why I am backing ESC. Thank you.

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The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir. I have just been thinking, before I came in today, I cycled down here and I was listening to a programme on Radio 4, called *Soul Music*. It is all about songs that mean something to people through their lives and stuff and the one that came on this morning was *It Has Only Just Begun*. I just think it is so appropriate after listening to this debate so far. It has only just begun.

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Also interesting, hearing some of the comments, that people have already determined what the result of the review would be, before we have even got the terms of reference for what the review is. You have got to remember, this amendment is just to say let us do a review. We know what happens. Reviews do not necessarily mean anything actually happens.

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I was interested that it is Deputy de Sausmarez and Deputy Falla who have proposed and seconded this amendment, who were both absolute campaigners against the closure of St Andrew's School. We followed that on the basis that the argument for closing St Andrew's was it would make lots of savings and it was inefficient having St Andrew's there.

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But we always question those so-called savings and we looked at the numbers and they did not make any sense to us and I would be very interested to know, so many years on, because I do not think that work has been done, just how much savings per pupil have actually been made. I doubt whether there were any at all because I know certain structural changes had to be made at St Martin's and how squashed and squeezed it has been over the years.

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Yes, to be honest with you, I think there is a time for the primary education review. It does need to be done and I know Deputy Vermeulen says it was only looked at recently, there was a Resolution that Education would come back within the next five or 10 years, whatever it was, to look at primary education. So, I get that and I do understand the importance of it.

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But I think it is important to say how we got to these actions that we have at the moment. We have, as I spoke in my opening speech about the Government Work Plan subcommittee and the group of us together and we were presented with various scenarios and we got to education and we said why can't we move education all forward, or this and that back? It is very useful having Deputy Aldwell on that group to explain the work that is required and what we can do and when and things that are really a priority to get done, looking at SEND and making sure we have got through. The Education Law, clearly getting secondary education in.

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We just know that all the resources have been in trying to sort out secondary education, whether anybody likes what is proposed or not, it is taking up virtually all of that Committee's time, because it is a major thing. It is of public importance. And, boy, if you think secondary education is going to be interesting to people, you just wait until you get onto primary education. It is not just as simple as doing a review and then implementing it. The review might be easy but it is the implementation that will be hard, take time and those savings might not necessarily be there. They might be, I do not know.

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I would like to just finish on the same points that Deputy Helyar said. This is not a Plan that is set in stone and at this moment in time we have got a whole load of stuff that needs doing, we are right at the beginning of this Plan, we have set what we are going to do for the next 18 months. It might be that in the next 18 months, Education gets secondary education done, everything built, fantastic, new Education Law in and SEND, it is all in place. So great, then they can start looking at doing the primary education Law, or they might want other things and it might be something they think, 'Now we are ready to do it.'

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So, Education might say, this time next year, 'Okay we have got this far, I think we now can look at primary education.' Or, if that does not happen, it is to this Assembly that it could come back and we could have another amendment to discuss it. I have sympathy with the idea of this amendment

but if you approve it today it will not get done at this present moment in time because of where we are at this moment in time. So, I am afraid that I cannot support the amendment.

The Bailiff: I am going to turn to Deputy St Pier.

Deputy St Pier: Thank you, sir. Just picking up on the comments from the few Members who have spoken. Deputy Soulsby: whether there had been any savings from the closure of St Andrew's, which of course is a very valid question. Of course, I would expect any review of primary to be asking that question and clearly that would be for the terms of reference. But it would seem to be a very logical question that should be included in any review, as to what happened the previous time around.

I think the point that Deputy Soulsby made in response to Deputy Vermeulen is a valid one. Yes, the review feels relatively recent but at the time that review was undertaken it was recognised and agreed that there would need to be another one at that time. Actually, it was within the next term, and of course it has not been completed as previously expected.

I think Deputy Falla has made the point that the La Mare Primary rebuild of course is subject to this review. So, I think, understanding the knock-on effect of not completing the review on that process is important. It was really Deputy Inder's comments in relation to St Martin's and Forest which first piqued my interest, together with Deputy Matthews' comments on St Andrews's.

There was a suggestion that in fact there was an unintended consequence of St Andrew's closing on St Martin's that has perhaps gone above and beyond what might have been expected and subsequently on Forest as well. I think what concerns me is Deputy Inder's point that we need to do something about that and I do not necessarily disagree with that assessment and I think Deputy Dudley-Owen was nodding in response to that, the fact there was an issue there that needed to be considered in relation to St Martin's.

But what concerns me is that we would end up reacting *ad hoc* to that position. That actually we are in a state of mini-crisis in a single school and we need to do something, we need to find a way to create an additional space, and I think that *ad hoc* response is something of course that we have done many times over the years in and across all sorts of areas of Government, without looking at the big picture, and I think that is really what the review, when it was originally requested, was seeking to avoid the risk of the unintended consequences from *ad hoc* responses, outwith – to coin a phrase from Deputy Dudley-Owen – the education ecosystem, as a whole. So those are the concerns, which have arisen to me as I have listened to Members speak.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir. I accept the need for a review of the primary sector but I am looking at this from a very practical perspective. Do ESC currently have the resources, the bandwidth, both human and financial resources and the bandwidth inside of their senior management team, to be able to undertake this?

The fact is, as of today, we have still not made a decision on the future of secondary education. Potentially we are instructing ESC to go off and do another review on primary when, if one of the amendments is successful on secondary education, that will be set back by years. You could end up with two reviews going on without having resolved one of them and just think about the years that have been spent and the money that has been spent in trying to bring proposals for secondary back to the States.

I think it is just common sense to reach a conclusion on the secondary education, start the implementation, then if that implementation is going well, you then look, in light of that, when the resources are available, you then look at primary, because that review would have to be contingent on, to some extent, what shape secondary was taking. That would influence that review.

So, I completely oppose this amendment. I think it is, as Deputy Soulsby pointed out, within ESC's power to come back to the States at any time in the future, during this term, and say, 'We are

now in a position to do that review, having proceeded to a certain point on secondary, now let us go and look at primary and dovetail that in.'

1080 I think they should be left to do that. I do not think creating another extant Resolution, to go out and pursue another review and the fact is it will not cost £10,000 or £20,000. It will run into huge amounts of money if it is to be done properly and we are just not in a position to do it. Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

1085 **Deputy Dudley-Owen:** Thank you, sir. In response to the proposal that this Committee reprioritises its workstreams to accelerate the review of primary education, the following points should be carefully considered. Reviewing the delivery model for primary education is a major piece of work that addresses all four strands of our strategic plan for education. As such, it necessarily warrants and deserves sufficient officer and political time in order for such a crucial piece of work
1090 to be done with the rigour such an important, once in a lifetime piece of work deserves.

Given the other major commitments this Committee has already prioritised in this political term – the review of secondary and post-16 education, the establishment of the Guernsey Institute, the replacement of the outdated Education Law, delivering the Digital Roadmap and introducing a new inspectorate – it would be foolish and counter-productive to introduce yet another major initiative
1095 on top of what is already a very ambitious agenda for educational reform.

Officer time is a finite and precious commodity. Every minute spent on reviewing primary infrastructure is a minute lost to raising standards of education in our schools. Money is, of course, also limited. Every pound spent paying for technical analysis on various options is a pound not available to give to the schools for the resources they so urgently need. For example, to fund the
1100 implications of the NASEN review on SEND and ensure our vulnerable learners receive the high quality education to which they are entitled.

Not only does the Education Office not have sufficient capacity to service the Committee with the level of detailed analysis any primary review proposals would need, neither does the political system itself have sufficient time to debate the issues thoroughly on top of all the other pressing
1105 issues in the Government Work Plan.

As we have seen last week and known from the debate over several years, restructuring education raises passions and is not easily rushed. Even if the appropriate monies could be found to increase officer capacity within the Education Office and Transformation programme teams, the sums involved to provide appropriate officer capacity would be substantial. And here is where I say
1110 the facts, not guesswork, and they are likely to be in excess of £250,000, as a conservative estimate, and without working up the detailed terms of reference that would be required.

Even if the time for the necessary and no doubt lengthy debate could somehow be carved out, the workforce in our primary schools, simply does not have the capacity to engage with a very significant and potentially controversial initiative at the present time. There is already much work
1115 underway to develop our education system.

As I have mentioned, this includes introducing a new inspectorate, responding to the NASEN review, implementing a more rigorous safeguarding policy, revising how we assess learning, improving standards of literacy, reflecting on resource allocation priorities across the whole of the education ecosystem, engaging with professional development opportunities that ensure that the
1120 workforce is evidence-informed, mentoring and training teachers on our initial teacher training programme, implementing the Digital Roadmap, further fleshing out the Bailiwick curriculum in detail on a subject by subject level and promoting healthy, active lives.

Responding to these priorities is a challenging enough agenda for our primary schools, without them also being faced with a remodelling of the primary school infrastructure. Any remodelling
1125 would likely involve a substantial and unsettling period of uncertainty, when some staff would not know if their present job would exist within any revised model.

As we know, only too well from the debates around secondary and post-16 education, there is an opportunity cost to this. Staff who are absorbed with anxieties about change maybe distracted by this and therefore have less time and energy to commit to thinking about further improving the quality of education.

Any review that would have to look at the highly emotive area of potentially closing schools and this is likely to be even more contentious than the debates surrounding secondary and post-16 education.

This Committee does not shy away from making necessary but controversial decisions. However, the capacity of the community at large to engage with such an emotionally charged issue, whilst the secondary and post-16 changes are still under implementation, would be a folly on a grand scale.

Efficiency is important, but not at the risk of further destabilising another phase of education for our children, staff and families. At some point in the not-too-distant future, the community must face the question about what kind of primary schooling infrastructure it wants and importantly what it can afford. But that time is most assuredly not now.

In response to Deputy Inder in relation to the full St Martin's School, that two-form entry at Forest can definitely be explored in order to alleviate the bottleneck and it has been widely known about for quite some years. That was not undertaken by the previous Committee and I am not sure of the reasons for that but indeed we should be looking at temporary accommodation for these types of solutions, but not in an *ad hoc* way, as Deputy St Pier has alluded to.

But it is notable that again, sir, Committee have not had any prior engagement about this amendment, save for a notification of the wording on Tuesday last week; other than that Deputy de Sausmarez contacted the Committee for the details she has delivered today in her speech to support the amendment. As always, officers responded swiftly and openly to her request. But I cannot understand why Deputy de Sausmarez did not approach the Committee before this to discuss her intention.

One member of staff to carry out the review costs in the region of tens of thousands. Presumably it must have been started. Resources are not the reason to delay. Where is Deputy de Sausmarez getting her facts and figures from? Well, sir, she is not. Because the amendment suffers from a deficit of facts and figures.

We simply cannot allow to continue to accept amendments like this in this Assembly. Are we really suggesting that a quick and dirty appraisal of the current primary sector is acceptable? There would need to be support from Transformation programme, for consultation and engagement, the coms team, the estates team, for building design implications, HR considerations, etc. The list goes on. This is hence the conservative estimate of £250,000.

If we are going to do the job, let us do it properly. Let us deliver a well-researched, well-resourced piece of work, not something that is a half job. It is too important a piece of work. That is the nature of Government. We have many important pieces of work and they must be done well. That is why we are discussing the Government Work Plan today, to do the pieces of work that we have prioritised and do them well.

So, sir, this is a circle I cannot square. Unless a bid for more funding is made then Deputy de Sausmarez's amendment to Committee's work again falls woefully short in terms of understanding and accuracy. Yes, sir, the primary review needs to be done, but Members please recall the words of Deputy Soulsby in her opening speech. We cannot have the penny and the bun. There is simply not the capacity in Committee, nor, I wager, in the community, to carry out the work and the Committee cannot support this amendment. Thank you.

The Bailiff: Deputy Burford.

Deputy Burford: Yes, I am equally surprised, sir, because I was not thinking I was going to speak in this debate. But this has been one of these debates where I have been pulled in each direction

with alternate speakers because I was not sure at the outset which way I was going to vote and listening to different people, I think that is a good thing.

1180 So I will just make a few points. I think the first thing I would like to say quite strongly actually is the £10 million quoted – in print – by P&R I think is extremely unhelpful. It is a nonsense and we all know it is a nonsense. It is just comparing apples and pears and I would implore that, even if you feel strongly about something, to try and keep the arguments rational and I do not think putting £10 million as the figure for primary review is rational under any circumstances.

1185 So, I was sort of pulled in the direction of supporting this by Deputy Roffey and Deputy Falla, especially knowing that Deputy Falla had actually, I believe, campaigned against the closure of St Andrew's School. Then I listened to Deputy Le Tocq and I thought, yes, it is going to be really controversial, maybe this is not the time.

1190 But I was still sort of drawn towards it. Then I listened to Deputy Helyar and I think that is kind of where I ended up because I think it is really important. I do not think it can be left in any way, shape or form to the very end of this term, but we do have an opportunity, annually, to revise what we are going to do and I think I would probably say that I am leaning towards voting against this amendment.

1195 I must admit, ironically, Deputy Dudley-Owen's speech nearly pushed me back towards support. I do not know what that says. But in any case I think where I am going to be is to vote against it but under notice that, if this is brought back in 12 months' time, I am very likely to be on the support side of it. Thank you.

1200 **The Bailiff:** Now I will turn to the proposer of the amendment, Deputy de Sausmarez, to reply to the debate on it, please.

1205 **Deputy de Sausmarez:** Thank you, sir. I thank Members for a very interesting debate and I think it has been useful if for no other reason than shining a light on an issue, which perhaps some Members were not particularly aware of before. Deputy Ferbrache got the ball rolling and reminded us that there are limited resources and my response to that is *exactly*. That is exactly why I am bringing this amendment. Do we really want to sustain the costs of the current arrangements? As Deputy Kazantseva-Miller rightly pointed out, we do need to balance any costs in doing this work against the costs of inaction, which I think are significant.

1210 Just on the issue of how much it would cost, this is something that has come up latterly in Deputy Dudley-Owen's speech. I will apologise, I have been a bit busy in the last few weeks, so the amendment was submitted quite last notice. I did my best, I did share it with the Committee ahead of submitting it to the Greffier and, as ever with me, I have been pulling my facts together as they have come.

1215 But my costings are based on the allocation of resources that was already in place to do this work and indeed would have carried on had the current Committee not decided to move in a different direction. So, I think costs that I have outlined here are entirely realistic, because they are based on reality and they are indeed based on resources that had already been allocated in that way.

1220 Deputy Gollop took us on an exciting roundabout tour of the issues, as he often does. He talked about the closure of the Forest School and the closure of St Andrew's and actually I am connected to both of those because I was a student at the Forest School in the 1980s, when it was dangling under Damocles' sword and I campaigned against that as a child. I found my badge, actually, a few years back, in my mum's attic 'Save the Forest School' and my older son actually started out in St Andrew's and he had been there about a week when we discovered that that school was also earmarked for closure and so it came to pass in fact.

1225 So, I have got personal experience of primary school closures and I know that, as Deputy Roffey says, they are really not pleasant. They are not pleasant things to go through but often there are good reasons to do that, if that is what it comes to. But I have to stress, this review is definitely not

just about whether or not we need to close a primary school. It is very much about improving the provision across the primary sector.

So, Deputy Kazantseva-Miller, I thought, gave a really valuable contribution, talking about the cost of inaction, the financial implications of running the spare capacity. I accept the point that someone made a little bit later on about the need for flexibility but do we really need two whole primary schools' worth of flexibility built into the system? I mean, that might be a little bit excessive.

She made the point that she will support this amendment because of the potential for those efficiencies and I think there are significant educational improvements that would come out of this review, as well. It is not just about money. But, needless to say, this is an opportunity to grasp the bull by the horns and potentially make significant savings as well.

Deputy Roffey agrees with Deputy Soulsby and Deputy Ferbrache that this is the first test of the Assembly and I agree with them all. Are we prepared to bite the bullet in this respect? He reminds us that the primary review – and let us remember that Deputy Roffey was a Member of the previous Committee for Education, Sport & Culture – so he has done the groundwork, he understands this issue as well, if not better than many of us in this Assembly, certainly than me. He reminds us that a primary review is a very different beast from a secondary review. It does not have any of those complex, philosophical issues that are raised by the secondary education question. It is really just about global capacity and distribution.

He is very upfront about the fact that it might lead to significant costs after the review. If we do need to address the very pressing issue of capacity in the Town's schools then, yes, that could be a cost. But that is the kind of investment in our education system, to make it better, that I think we should be discussing. We should not be just dodging the issue. Deputy Roffey reminds us that, if we are serious about fiscal responsibility, we cannot just refuse to look at this problem, because it is only going to get worse.

Deputy Le Tocq, I thought Deputy Inder's summary of Deputy Le Tocq's speech was fantastic, actually. He made some very compelling arguments in favour of it. Then, swivelled with his final sentence and decided that, inexplicably, he was not going to support it, and then actually I thought that Deputy Inder did exactly the same thing as well. He raised some perfectly pertinent points but does not feel able to support this. Deputy Taylor thinks the answer is simply building more houses in the countryside. Well, you know, maybe that is something the review could look at and the Guet!

Deputy Matthews, I thank Deputy Matthews, I think as many people have, actually, for coming into this debate with an open mind and open ears, listening to the issues raised. I think many people have done that. I think it has been a genuinely good debate in that respect. I do not think I am going to win but I think it has still been a good debate. He makes the point that we should be able to do more than one thing at once and this could save significant money, so it would seem like a wise investment to hire someone, if we do not have the resources currently, to do that work, and I completely agree.

I thank Deputy Falla for seconding this amendment and for his speech, which raised many pertinent issues. I completely agree with Deputy Falla when he says that the primary sector is an integral part of the education picture and, without the review, it is like looking at that picture with one eye closed. I agree with him that I think it is just not acceptable to kick this can down the road to the extent that it would be if it is not addressed in this political term and I also agree that there is a valid question: can we afford *not* to do this?

Deputy Dyke suggested some potential solutions in the form of changing catchment area boundaries. Well, Deputy Dyke may or may not be surprised to know that this has been happening for some time, to the extent that the St Martin's catchment boundary is pretty much a stone's throw from the school. I mean, it just gets to a ridiculous point where children who live a few minutes' walk from the school are being sent out of catchment, for several miles down the road.

It causes all sorts of knock-on issues because, of course, if you are an out of catchment student, you do not qualify, or you are not captured by the school transport arrangements like the buses. So it does have lots of knock-on effects and it really is something we need to deal with properly, not just on an *ad hoc* basis, as Deputy St Pier reminds us.

I would just say, on the topic of St Martin's, I know this school very well, I have got children there and it is, firstly it seems it does cope absolutely admirably, but it is how it relates to the picture as a whole that is important. It is not just a case of sending fewer students there, that is for sure. They do absolutely amazingly, even given the fact they have got the biggest school by a country mile, they have got the biggest average class sizes, they have benefited from an absolutely exceptional leadership team, it is a fantastic school community, which actually includes many.

A really broad social demographic as well. I think they have got the second highest percentage of children who qualify for uniform allowance, so it is a really mixed demographic. They do fantastic work and the achievements from that school are phenomenal, so I am not saying that because it is over-full it does not do a great job, and I know I am in good company actually – the school is fairly well-represented within this Assembly, in terms of the parents.

So, Deputy Helyar says he has sympathy with this amendment but will not support it, and he reminds us, as Deputy Soulsby also reminds us, that this Government Work Plan is not set in stone, it is something that can be, issues can be brought back. But why not now? Why are we making this decision? If we intend to actually reverse it a bit later down the line, why would we do that? Why do we not just put a stake in the ground now and say we think this is an issue that is important enough to be dealt with in this political term?

I appreciate that there will need to be arrangements around how that is done, etc. But why would we kick the can down the road this year, if we intend to go and collect that can and put it back on its coconut shy, or whatever the cans live on, the grass? Next year and next year's debate or the year after? I do not understand why we would do that, it does not make any sense to me. If we think this issue is important enough to be dealt with, I think we should just say that at the outset.

Deputy Vermeulen, yes, as other people have pointed out subsequent to Deputy Vermeulen making his point about the fact that we have had a review of the primary sector relatively recently, within the last decade or so, it was actually a recommendation of the most recent review that a further review was done specifically looking at the provision in the south-west because that was a known issue and, obviously, it makes sense to have allowed the implementation of those original recommendations to manifest, I suppose, and then do a further review.

This is precisely because of those previous reviews that this piece of work needs to be done. It was flagged at those points and it is still, actually it is even more pressing than it originally was. This is a piece of work that should be well under way by now.

Deputy Soulsby, yes, she made the valid point that I did campaign against the closure of St Andrew's School. I did. My children did move, well my one child at the time, from St Andrew's to St Martin's and, as I have recently stated, not only did they survive, they thrived. It was absolutely great. Once I was reconciled to the fact that St Andrew's was going to close, I actually switched my campaigning to transport on St Martin's and that proved very effective.

So, as Deputy St Pier pointed out just afterwards, we do need to look at the reality of what happens and I would not like to jump to any conclusions about the fact that primary schools might need to close. I think Deputy Soulsby raises an absolutely valid point that we do need to understand potential savings, etc., but we will not know unless we do the work to review it.

So, Deputy St Pier made a very valuable point, warning us against the unintended consequences of making *ad hoc* reactive decisions in response to individual circumstances and I think those were wise words. So, I do think we need to look at the bigger picture here. I do think we need to look at the issues in their broader context and that is why I do think this review is necessary.

Deputy Meerveld accepts the need for the review but wants to know if Education have the resources. I think the point has been made that if they do not have the resources it is actually not likely – my view differs to Deputy Dudley-Owen's view and therefore the view of the previous Committee – I do not think those resources would be in any way significant, especially taking into account the potential efficiencies that might result from the review. So, we could get the resources in, if we do not have them.

Deputy Dudley-Owen, I thank her for contributing. I thought for a horrible moment we were not going to hear at all from the Committee but I am very glad she did in fact speak on behalf of the

Committee. I do apologise, I have been very busy in the last few weeks and I have not been as organised about this amendment as I would like to have been. I have kept the Committee in the loop and I do wholeheartedly thank the officers for doing their usual splendid job of providing information in a very timely manner. They were great.

So, yes, Deputy Dudley-Owen estimates a very significantly larger sum than the previous Committee estimated to do this work and the previous Committee had put those resources in place. They had already allocated the resources. They had someone, in fact, already doing the preparatory work.

It is a difference of opinion. I think, based on my understanding of the resources that have been put in place, I think the work could be done for significantly less than what Deputy Dudley-Owen envisages and I completely agree with her that there are many areas, for example SEND etc., active travel, where we do want to focus resources in the primary sector and I would argue why would we not want to make sure that the system is as well-organised as possible to make our money and those investments go further?

Deputy Burford made the same point as Deputy Helyar and I really would in response just say if we think this work is important enough to do it now, let us say that now. Let us not kid ourselves. I am not much of a gambler, but if I had to put money on it, I would be surprised, if this amendment is defeated, if the Committee brings back or prioritises this piece of work in this political term.

So I am keen that, as an Assembly, we recognise that there is a need for this review, we get behind it, we give it the green light, we give the Committee the encouragement they might need to progress this piece of work, and we get on with it sooner rather than later. These problems are only going to get worse. None of them are going to get better. So, I think this debate is really a classic example of winning the argument, but losing the vote, and so I would like to request a recorded vote as well. Thank you, sir.

The Bailiff: Members of the States, we come to the vote, which will be a recorded vote on amendment 8, proposed by Deputy de Sausmarez and seconded by Deputy Falla. Greffier, please.

There was a recorded vote.

Not carried – Pour 10, Contre 27, Ne vote pas 0, Absent 2

POUR

Deputy Roffey
Deputy St Pier
Deputy Bury
Deputy de Sausmarez
Deputy Falla
Deputy Gabriel
Deputy Gollop
Deputy Kazantseva-Miller
Deputy Matthews
Deputy Parkinson

CONTRE

Deputy Prow
Deputy Queripel
Alderney Rep. Roberts
Deputy Soulsby
Deputy Taylor
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy Cameron
Deputy de Lisle
Deputy Dudley-Owen
Deputy Dyke
Deputy Fairclough
Deputy Ferbrache
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Le Tocq
Deputy Leadbeater
Deputy Mahoney
Deputy McKenna
Deputy Meerveld
Deputy Moakes

NE VOTE PAS

None

ABSENT

Alderney Rep. Snowdon
Deputy Trott

Deputy Murray
Deputy Oliver

The Bailiff: Members of the States, the voting in relation to amendment 8, proposed by Deputy de Sausmarez and seconded by Deputy Falla is as follows, there voted Pour 10, Contre 27, two Members were absent and therefore I declare that amendment lost.

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[Amendment 4](#)

In Proposition 5, after "Annex 2" to add "save to remove 'Review of end-of-life-care' from this Annex".

The Bailiff: Members of the States, we move next to amendment 4 and, Deputy St Pier, is it your wish to lay that amendment now?

Deputy St Pier: Yes please, sir.

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The Bailiff: Do you wish it to be read?

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Deputy St Pier: Sir, this amendment is in a similar format to the previous amendment, in that it seeks to remove from Annex 2 the review of end-of-life care. In effect this amendment will add back into the Government Work Plan the End-of-Life Care Review agreed in May 2018 and that was due to be completed by June 2020.

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The review is the one agreed action approved by 37 votes to one, which emerged from the assisted dying debate in May 2018. It emerged from an amendment that was initially initiated by Deputy Le Tocq. It was accepted nearly unanimously because it was recognised that it was important. To be clear, whilst assisted dying has been described a number of times as a vanity project, ascribed to me, it was in fact just a single debate and in the event of course it was rejected at the time by 24 votes to 14.

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So, as a reminder to those Members who were in the Assembly on that day in 2018 but also for the particular benefit of those Members who were not, I am going to read the relevant part of the Resolution so that Members are aware exactly in the end-of-life care review.

In light of the ageing population and the substantial anticipated increase in health and care needs over the next 10-20 years:

(a) to consider the measures necessary to improve a quality of life and health outcomes for all Islanders towards the end of their lives including:

(i) improvements in provision, availability and/or affordability of community services, primary care, aids and adaptations and long-term care;

(ii) greater investment in person-centred care for all who require health and care services on an ongoing basis and recognition of support for the friends and family who surround them, especially those who have caring responsibilities towards them; and

(iii) possible developments in end of life care, such as increasing hours of provision of specialist palliative care, the on-Island availability of specialist consultants, the provision of counselling and support services and/or the provision of alternative medication and technologies for pain relief.

For the avoidance of duplication, to consolidate this work as possible with relevant ongoing workstreams under the Partnership of Purpose, the Supported Living and Ageing Well Strategy and the Disability and Inclusion Strategy.

Then, having done all that, consulted with P&R, and report back to the States by June 2020 with recommendations.

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So it is very important to emphasise that today's amendment is not therefore about assisted dying. It is about improving alternative end-of-life care provision, including of course palliative care. But neither, importantly, is it only about palliative care. It would be criminal to throw the baby out with the bath water, in other words to not complete the review, that will improve end-of-life care provision overall.

1395 To make this point more fully, I just want to examine the three sub-paragraphs at the heart of the Resolution: (i) is about community care, primary care and long-term care, all of which are already under review with the Partnership of Purpose, including the review of primary care and the Supported Living and Ageing Well Strategy; (ii) is all about carers and we know that Carers Guernsey have recently said they think carers, generally, not just end-of-life carers, are under-supported.

1400 And the Government Work Plan says and, of course, as Deputy Soulsby has repeated this morning, the Plan requires partnership working with the third sector. Yet here, I think we are proposing, by excluding this review, to exclude the opportunity to improve the lot of carers by failing on our commitment to do this work.

1405 Then, finally, (iii) is about palliative care and I think also it is worth repeating, for the avoidance of duplication, the direction was to consolidate as far as possible this work within work that is already going on within the Partnership of Purpose, the Supported Living and Ageing Well and the Disability and Inclusion strategies.

1410 So, that work is already going on in the background. So, if we accept that this work is not now to be done, we are accepting that the work will indeed be duplicated as and when it does get done. Now the resource implications, as highlighted in last night's letter of comment, from the Policy & Resources Committee, are not material, £10,000-£50,000, in a plan envisaging a spend of £650 million over its life.

1415 Now, accepting very much Deputy Helyar's comments on resourcing and whilst of course I do also agree with Deputy Soulsby that no spending can be lost in the roundings – a comment that I reminded Deputy Trott back in the day – she knows as well as I that, given the very high level of estimation of necessity in this Plan, I am not critical of it at all, it is just the nature of this kind of Plan, that a commitment of £10,000-£50,000 is eminently manageable within this Plan.

1420 In short, what I am saying is this, perhaps in contrast to the discussion of resources in relation to the previous amendment, resources are not a constraint in relation to the completion of this review. The only reason for not doing it is that the Assembly is making a political choice that it does not wish to do it.

But my counsel to colleagues would be this. If the States are minded not to accept this amendment, the need for the review is not going to magically disappear. End-of-life carers will continue to feel short-changed, the end-of-life needs for those in long-term care are not going to decrease, the need for palliative care is going to increase.

1425 This is a problem, which will not go away simply because we refuse to do this review now and I think that was acknowledged very much in the opening part of the Resolution, which I read to you, which is of course recognising, in light of an ageing population and the substantial anticipated increase in health and care needs over the next 10-20 years.

1430 As Deputy Gabriel said, in relation to the previous amendment, we are here to look after our people. Again, as Deputy Soulsby said in her opening, we owe it to all our Islanders to come together and deliver what they need. End-of-life will come to us all. Improving end-of-life care is what our Islanders, what all of us need. We promised it. We should deliver it and I do ask Members to support this amendment, sir.

1435 **The Bailiff:** Alderney Representative Roberts, do you formally second that amendment?

Alderney Representative Roberts: Yes, sir, and I would like to reserve my right speak, sir, please.

The Bailiff: Of course you can. Deputy Queripel.

1440 **Deputy Queripel:** Sir, thank you. I am 100% in favour of this amendment. I applaud Deputy St Pier and Alderney Representative Mr Roberts for laying it in front of us today. In the previous Assembly, I was one of the seven Deputies who signed and drove the assisted dying requête that is mentioned in the explanatory note and the requête was seeking a review to be undertaken looking
1445 into assisted dying being permitted here in the Island, for those who are forced to endure the

excruciating pain and trauma associated with terminal illness and being able to choose to end their suffering, should they wish to.

Suffice to say, I was extremely disappointed on their behalf, that the majority of the previous Assembly did not want that review undertaken. However, the successful amendment laid by Deputy Le Tocq was a compromise and at least it offered something. If the review of palliative and end-of-life care is removed from the GWP, then the community is left with nothing.

Surely our fellow Islanders, who are forced to suffer in excruciating pain and the trauma and the indignity of a terminal illness deserve a lot more than that? As Deputy St Pier said in his opening speech, surely we need to do all we possibly can to ensure that their last few months and weeks here on Earth are as comfortable and as bearable as possible? Surely we need to do all we possibly can to ease their suffering?

The focus these days is very much on our society being a caring society, where all lives matter. The focus is very much on Guernsey Together and we are together in many ways and in many areas, but there are areas where we are most definitely not together. In fact, we are miles apart. I get the feeling, sir, that this Assembly wants to be a lot more proactive than previous Assemblies. I get the feeling that this Assembly wants to be a lot more caring and compassionate than previous Assemblies. Well, here is an opportunity for us to be all of those things, which is why sir, through the Chair, I plead with my colleagues to please support this amendment.

In closing, I ask for a recorded vote when we go to the vote, please, and I ask my colleagues to bear in mind when we do go to the vote, the duty of any Government is to ensure the wellbeing of its people. One of our main objectives, surely, is to improve the quality of life of our fellow Islanders. That was actually the number one objective of the previous States and I can only hope that enough of my colleagues in this Assembly resonate with that aspiration to enable this amendment to succeed. Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, I want to support this amendment, too. But not only for the reasons Deputy Lester Queripel and Deputy St Pier have outlined but for other points. You see, one of the issues we sometimes come across, when we have a very pointed debate, perhaps it is on a moral issue or an issue of conscience, is the side that does not want to support the initiative, which in this case was Deputy St Pier's requête on assisted dying, will not necessarily oppose it completely but support perhaps a palatable alternative.

I think virtually everybody, as we have heard, were able to support and, not for the first time, because we had, as I recall, a debate along similar lines over a decade earlier – that Deputy Roffey and others will remember – on assisted dying and those issues, to strengthen and support palliative care. I think it was a theme of the last debate, Deputy St Pier may recall and Deputy Queripel, particularly, that there was a certain feeling that some of the earlier, well-intended Resolutions of really strengthening palliative care, despite the outstanding work Les Bourgs Hospice does, had not altogether been done.

When you look at this:

... this action will consider the measures necessary to improve quality of life and health outcomes for all Islanders towards the end of their lives ... affordability of community services, primary care, age and adaptations ...

When I was Disabled People's Champion many years ago now, that was an issue even then. Greater investment in person-centred care and support for the friends and families around them, especially those with caring responsibilities.

But here is the really important point:

... possible developments in end-of-life care, such as increasing the hours of provision of specialist palliative care, the on-Island availability of specialist consultants, the provision of counselling and support services, and/or the provision of alternative medication and technologies for pain relief.

Well we know that there are 1,000 people, hopefully not all of them on the brink of instant death, who are receiving medicinal cannabis, perhaps from the UK. I put that out there as just a point about the nature of pain relief. But returning to the core issue here, the provision of specialist palliative care and the on-Island availability of specialist consultants, I recall, and I have already mentioned, I mentioned it in the last debate on abortion, some of us – many of us, actually – we went to an unusual hustings held in a Baptist chapel, where various people who are broadly part of the faith community met many candidates for the office of People’s Deputies and expressed their concerns and they covered a wide spectrum of issues.

One issue where there was a stall and lobbying and key points delivered, was on palliative care. That there had been disappointment that after the successful Resolution on palliative care had gone forward, it had not been resourced and implemented. They perhaps had issues with different kinds of assisted dying, but they wanted palliative care and I think many of us promised to get on with that.

Yet, we are kind of putting it not away but to one side. I think we do need an ongoing project into all our specialist involvement and we need to identify the reasons why we have not got an on-Island specialist in this area and what can be done. So, for those reasons, and also for the reasons of, I think, having a degree of resolution and commitment to implement with integrity Resolutions we have made, we made those points, because some of us found, for Guernsey’s limited resources, legally and medically assisted dying a bridge too far, but we were committed to the issue of reform, of palliative care and improvements.

As we were so committed to that and we promised that to the many campaigners, who are now perhaps turning their attention more to Jersey, who wanted to see change in that, maybe a majority of the population, we do not know, I think we should honour our commitment to at least improve and strengthen our commitment to palliative care and get on with that rather than delaying it any further.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Sir, I will respond on behalf of P&R but also make some personal comments. They may be intermingled, so apologies for that. As Deputy St Pier said, when he opened this debate, the reference in this amendment is to an amendment that I had lodged on the assisted dying debate. So, one would think that I would choose to support it very strongly. However, I am not going to do that.

I have to say, right at the onset, whilst I stand by the import of the amendment that I lodged and the Resolution that came as a result of that – it was the only Resolution in that debate that was passed – I do fear, sir, that Deputy St Pier often conflates end-of-life care with end-of-life enablement, or facilitation.

I make a very clear distinction between those. In fact, that is certainly the case in terms of definition by the NHS in the UK and it was certainly neither the spirit or the import of the amendment in the debate. So he is right, in that many improvements, I believe, could be made to the current level of care and there are quite a number of different agencies involved in delivering that care, to our community here in Guernsey.

In terms of definition, I should say that in line with many other jurisdictions, but particularly the NHS, end-of-life care does not equate to palliative care. Palliative care is part of end-of-life care but it is not the only part of that and certainly the Resolution, as it stands, would refer to improvements that could be done within our community services, with regard to the provision of aids and helps at home to enable people to not need hospitalisation so soon.

It could help within the hospital environment, for those that need to go into hospital at the end of their lives, it could improve hospice care, because we do have a hospice that is not part of the Government services, but I will come onto that in a moment, and could also help in terms of practical, new-found ways of pain relief, which can influence quite significantly the sorts of conditions and decisions that people are faced with, at least, at the end of their lives.

Putting that all together, sir, whilst Deputy St Pier is right and P&R, we have commented that there would be extra resource needed and that extra resource, in the broader scheme of things, as we tend to in such debates, look at everything in isolation, seems quite minor in comparison. I will use an illustration that I used to use when I lectured on ethics years and years ago, theological ethics, that there was a professor one time who came into his class and he had a large bowl and he filled up the bowl with very large rocks, to begin with, right to the top, and he asked the class, 'Is it full?' They all said yes and then he took some small pebbles and he managed to put them in, around, and he said, 'Is it full now?' Fewer said yes but still the majority.

Then he added some sand to it, right to the top and said, 'Is it full?' There was still quite a number who said yes. Then he took some water and poured that in on top and he asked them, 'What have I taught you?' A hand went up and said, 'You have taught us that never mind how full you think things are, you can always cram more in.' He said, 'No, I have not taught you that at all. I have taught you that if you do not get the big things in first you will never get them in at the end.'

I think that is the danger of debates like this because it would be very tempting, in isolation, to say those are all good things and it does not look like it is going to cost very much, so we should do it. In reality, the belief of P&R is that we will not complete this effectively in this term, even if it was accepted.

Indeed, sir, that brings me on to how we might and how we can and how Guernsey has in the past delivered on issues like this outside of the state provision. Not without recognition but sometimes with great difficulty. I am aware at the moment that there is a group of people keen to see, for example, and this is only just one example, the provision, the funding of and the provision for, palliative care hours of a consultant to actually be physically here on-Island.

That would make a significant difference and I hope that project, it would not therefore require the taxpayer to fund it but, it is something that could be certainly facilitated in a much easier way and maybe in a future year, maybe even next year we might be in a better position to do that. I have to admit that my wife is a registered nurse working at the hospice, currently, but Les Bourgs Hospice is an example, I think sir, of an institution that is well-loved and well-supported here in Guernsey and receives virtually no funding from the taxpayer.

In fact, sir, it was established at a time when most people in this Assembly, and I do not think there was anybody around at that time but forgive me if I am wrong when asked if Guernsey needed a hospice said, 'No, it is too small. The numbers would not stack up.' Yet the local community and individuals within that community who were gifted have managed to facilitate that we should be very proud of indeed.

It is effective, it is well-loved, it is providing a part of end-of-life care and it is not just palliative care, it is providing respite care sometimes, pain relief, those sorts of things. The sorts of things that could be improved, not only in terms of the hospice, but outside of that in the community, where individuals are currently limited in their choices and decisions.

So, ultimately, I say, this is not the right time for this and, indeed, if we are looking to find ways of doing things differently, here is a way in which we could do that. We could get behind and with the support of HSC, support an initiative that could be funded in a different way and achieve exactly what this Resolution actually set out to achieve. Thank you, sir.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir. I had started out this debate wondering how I was going to vote, but I think I will follow Deputy Le Tocq's wise words on this and vote against. But two issues do derive from it. The first is the use of medicinal cannabis, which I think we are going to have to discuss at some point next year in a debate on cannabis, and the other issue is the matter of assisted dying, which to my mind is a vital liberty and I would certainly support any requête brought on that at some convenient point. That is all I have to say, thank you.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, I think we have to look very critically at the availability of community services generally, because everybody in here has had a recent exposure to a letter that was placed on the system, from an individual that was confined to the PEH but wanted desperately to continue life at home. Now, apparently there were not the resources available for that particular need and I think the extension of this to the availability of community services more generally, I think is extremely important, particularly in terms of long-term care, so that people can remain in their homes and receive the attention that they require, in addition to the family themselves providing that care and providing some relief, also for the family members in doing so in doing the care.

So, I think some investment, I mean this is a new States and I think we have to look at some of these critical areas that really need a little more attention and it seems to me that it is an advantage, actually, to the Exchequer, in having people looked after at home, rather than the higher costs, actually, of staying in hospital and the need for the hospital beds for other operations and so on and so forth. I think it is a matter of providing the provision, the availability and putting some money into community services in terms of long-term care for people to stay at home, rather than be confined to a hospital bed. Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Sir, as someone who supported the amended requête back in 2018, I do not really want to let this particular review go easily. But I am minded during this debate to support the Policy & Resources Committee and also the Committees that chose to put Resolutions in abeyance until another term.

But I really would like to hear from the President of Health & Social Care as to the facts behind the costs and resourcing, in the same way that I let Members know about the resourcing and the facts from my Committee's point of view. Because things do change, year on year. People change in the Committees, in addition to those who support us. So, what might be real one year may not be real the next year.

And it is very interesting to note on this amendment, which I was scrabbling around before for the wording on amendment 8 that the Rule 4(3) information, word for word, is exactly the same. So the primary review wording for Rule 4(3), for financing, is exactly the same as the wording for the Rule 4(3) on this particular amendment. Very strange, that they have been done by different people but the wording is word-for-word exactly the same.

Again, I would ask that people who are laying amendments do their homework. Please go to the Committee concerned and ask for that information. Because it is clear that the case has no immediate financial implications from removing this item from Annex 2, that simply is not the case. Thank you very much, sir, and I look forward to hearing other speakers during the debate with the facts.

The Bailiff: Deputy Helyar.

Deputy Helyar: Sir, as with the last amendment, I have some sympathy with this amendment. I am lucky as a local boy – perhaps boy is not the most accurate description any more with my hair colour having changed considerably – a large family means a lot of experience of palliative care over many years and I have to say that the care that those who are at end-of-life in Guernsey receive is excellent.

I am not going to repeat the speech I made earlier. I could do that but I think it would trivialise the issue. I will be very much guided on my voting in this area on what HSC say. Because it is a very difficult decision to make, to move one decision of this type, and to down-speed it when you have got so many other things on. I would be interested to hear whether it is pressure that is currently being experienced as a result of COVID or whether there are other structural issues and cost issues, which have led to the decision. Because I am sure, had HSC disagreed with the prioritisation, they would have brought this amendment themselves.

1650 So, I am unlikely to support the amendment but I say again the Government Work Plan is not set in stone. We have the option to come back and reconsider these things in future years and particularly when phasing emerges and we start to work on all the things that are in the Plan, we will find there are gaps. There will be gaps in funding, there will be opportunities to speed things up and slow other things down. Thank you, sir.

1655 **The Bailiff:** Deputy Ferbrache.

1660 **Deputy Ferbrache:** Sir, I do not want to be seen as the boy, now the aged boy, who can only say no, because the speeches made, particularly by Deputy St Pier and Deputy Queripel, were moving and well-made. In relation to palliative care it is just so important. People need to die with dignity, they need to die with the best care that they can possibly receive.

1665 But I am driven by the fact that there is no point just being, we have got to move on from just being, an Assembly that says things because it makes it feel better for us, if it is not achievable. Now the letter that Deputy St Pier has referred to says, in relation to this particular amendment, that it will cost between £10,000-£50,000. I do not think anybody is too bothered about that. That is a minor sum and if that was the only issue, that would not be an issue.

1670 But it is the other one. It is people. People have to carry out the review and what we have been advised and therefore we have recorded it in the letter from Policy & Resources, is this, and Deputy Brouard will no doubt confirm this when he speaks, and the words that we wrote, as I say, it was on advice from officers:

It is unlikely that this review will be able to be completed effectively –

– and I emphasise the adverb –

– if included in the Plan because it will need to be informed by health and care professionals already fully committed.

1675 So it is not a matter of just tacking it onto something else, this is a specific item of care that needs an input from relevantly qualified and experienced health and care professionals. The letter goes on:

The volume of other actions in the Plan on health and care and the ongoing pandemic leave no time and resource available to progress this action or to act on any recommendations.

1680 But as Deputy Helyar has said, the note continues, the Plan will be reviewed each year. Should the resource position change over the course of the term, there will be an opportunity to change the timeline for this action, which is an extant Resolution. So, I think everybody in this room sympathises with the proposal but we have got to be practical. If Deputy Brouard says something different when he stands up, from my understanding, then no doubt it will change my vote with some others.

1685 **The Bailiff:** Deputy de Sausmarez.

1690 **Deputy de Sausmarez:** Thank you, sir. Maybe I can clear up the mystery for Deputy Dudley-Owen about why the Rule 4(3) information is the same and that is because when you are looking to lodge an amendment, you need a seconder, and you need to ask around about who is likely to support it. Deputy St Pier was one of those people that I approached in relation to the amendment that I laid and at that time my Rule 4(3) information was a mess and Deputy St Pier proposed what in my view was better wording. So, I pinched it! Perhaps that explains the situation.

1695 Anyway, in regard to this one, I am glad I followed Deputy Ferbrache's comment, actually, because it touches on a broader issue. It touches on what do we want to achieve and resources have been such a struggle, in-house resources have been such a struggle for such a long time. I

really do think that if this is an opportunity to do things differently and do things better, it is a thorn that needs grasping.

So, I am not minded to not support this amendment because of that specific resource issue. I would rather use this as an opportunity to actually make sure that we have adequate resource in place to do all the work that is required. Currently, I will not speak for very long at all on this amendment, I am minded to support it. I do want to hear from the Committee for Health & Social Care. I am expecting Deputy Brouard, who I can see sitting beside me, has something to say on this issue.

I am expecting to hear about the resources but I would like to keep an open mind as to whether, if resources are the limiting factor, whether that issue can be addressed in its own right and whether that would be beneficial in doing so. So, I do look forward to the rest of this debate, but I am minded to support this.

The Bailiff: I know you have stood up a number of times, Deputy Oliver, but I will call Deputy Brouard, as so many people seem to want to hear from him. Deputy Brouard.

Deputy Brouard: Sir, an unusual case. I am also going to use technology, so as one of the dinosaurs of the States with paper, I hope my screen stays alive long enough. The Committee for Health & Social Care have discussed this several times. It is a free vote for all of us on the Committee and I would not be surprised if some of my Members may be in a different position to where I am.

At the early stages of the development of the Government Work Plan, the Committee agreed that it would be at that time appropriate to pause the work associated with the Review of End-of-Life Care and did so not because the work is unimportant, but because of the many competing priorities within Health & Social Care – both resources and finance.

The Committee knows that a compelling case can be made for bringing forward this review within this political term and it is certainly not unsympathetic to this. However, it also acknowledges that a good service is currently offered and that, if we are to adopt the level of robust prioritisation required by the Government work process, then other areas of work would also merit being brought forward in a shorter timescale, as currently set out in the Plan.

I just would mention what we do already. There was a large investment in palliative care in Guernsey when the States debated assisted dying the time before last. We also have 24/7 district nurse cover, with a 24/7 access to specialist support from specialists in Southampton. We also get two days a month of a visiting palliative care consultant in time and we consider that we provide a good service, which is decently resourced. But of course it could always be improved.

We also have had some mention of costs and I thank Deputy Ferbrache for that. To undertake the review, we estimate at this stage, would be about £10,000-£50,000 in financial sums, but of course that does not touch on all the resources, or Public Health etc., who will then be dragged into the review when, of course, their time at the moment is very much looked for elsewhere with the COVID issue.

Of course, you then have the expectation, once you have done the review, you will probably then want to follow up on all the things that the review may well come up. I do not want to pre-empt the review, but to give some indication of costs, this could be in the region of £50,000-£100,000 for a nurse and £250,000-£500,000 for a consultant. There is also the provision of aids and adaptations. So, the costs workstream could be an ongoing £500,000 a year plus.

We are, of course, ambitious for our own service, and we recognise that the Review of End-of-Life Care will most likely highlight the need, as I said, for additional resources and these will of course have to be funded. These resources will then need to be prioritised along many other costs and service improvements within Health & Social Care that would also equally benefit from further investment.

It is these very conundrums that consume much of the Committee's time. How we can strive for continual improvement across our services, while also living within our means. Completing the review will demand resources, both as an investment of staff time and a level of funding to secure

the external input into the review and this will need to be brought forward if the amendment is approved.

1750 I can offer reassurance that the sum of the initiatives currently in the Plan also have the potential to support Islanders at the end of their lives. The Committee is at a relatively early stage of the implementation of the NICE TAs and the reports presented to the States by the Committee *for* Health & Social Care at that time drew attention to the fact that there would be an impact on palliative care provision.

1755 The States approved some short-term funding for additional support within the palliative care team, which I have already touched on, and I would also highlight the need to progress the extant Resolutions relating to the Supported Living and Ageing Well Strategy as we correctly call SLAWS, which seeks to respond to the challenges of an ageing demographic in a broader way and specifically to extend long-term care funding to community care provision, which will support
1760 people to remain at their homes for longer, adding to that quality of life at the end of their life.

Members will, of course, vote as they wish on the amendment before them today but I would emphasise again that the Government Work Plan sets out an ambitious agenda for health and care and the preference of the Committee would be to focus on those immediate priorities for the forthcoming 12 months.

1765 This offers time for the Committee to review the roll-out of NICE TAs, to progress the review of the model and funding of primary care and to work with the Committee *for* Employment & Social Security, in relation to SLAWS. So, I will not be supporting this. Not that I do not want to, but because there are other priority issues. Nowhere is making priority choices more difficult than in Health & Social Care.

1770

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir. I hear absolutely everything that Deputy Brouard has just said and, in a way, I wish that we had heard those same things said at the time when the amendment
1775 that led to the extant Resolution was offered up as a sop, for the people who might otherwise be tempted to vote for voluntary euthanasia.

I have been around in the States far too long – in fact Deputy Le Tocq was wrong, I was actually not only in the States when the Les Bourgs Hospice was first mooted but I was actually a Member of Conseiller John Henry's Board of Health at the time – and his recollection about the discussion
1780 and the rejection of there being a requirement for a standalone hospice is quite right. We were desperately wrong in those days.

But the point about being around for a long time is that I have seen time and time again when an idea starts to gather a little bit of momentum and a little bit of support then, rather than trying to oppose it, what you do, is you come inside, where it is headed off at the pass, and offer a sop.
1785 You will say, 'Do not do this but we will do that instead.'

Usually that gets passed and it comes to absolutely nothing and I am worried that we might be seeing that being put forward today. Deputy Brouard is right – and others that have said about palliative care – it has come on leaps and bounds in this Island. I have nursed two incredibly close
1790 members in my family in their final hours, once a couple of years ago and once about 15 years ago and the contrast was amazing between what was in place 15 years ago and what was in place two years ago.

So, I accept there may be, given that progress – it is a hard thing to say when people are going through their final moments that there is always more you can do – there may be other priorities. But that was absolutely not the message given by Members – and I know we have had a big change
1795 in membership – many Members of this Assembly who were saying 'heaven forefend' to voluntary euthanasia but, 'do not worry we are really going to do something instead'. So, my message here is always look that sop amendment in the mouth and that includes, later on, in this Government Work Plan.

1800 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, yes, I will be brief. I was not going to speak but it was something that Deputy de Sausmarez said during her speech, taking the opportunity to do things better. Of course, there are always things we can do better, all the time. It is like, from Health & Social Care, always things that can be improved, but it is about priorities and Deputy Brouard, what he said, absolutely resonates.

If I was in his position now I think I word-for-word would have said exactly the same thing. It is all about competing priorities and it was our Committee that was done-to by that amendment. I think at the time we said that is all very well and good if that is what the Assembly wants but compared with all our other competing priorities it will not be at the top of the agenda because we know we have other things that are far more pressing.

One of those was being able to do a primary care review but for various reasons, and I will mention one at another time I am sure, but also because of the assisted dying debate, that ended up getting kicked down because we are having to manage other things that came up and hit us at the time. I think we have got to remember we cannot do everything for everyone. What we have tried to do here working with the subcommittee is prioritise where we saw the key priorities were and I would just ask Members to reject this amendment.

The Bailiff: Deputy Moakes.

Deputy Moakes: Sir, I could have stood at any point during this debate, because what I was going to say, effectively, works with pretty much all of the amendments. But, in summary, I cannot support this amendment. I worked on the Government Work Plan subcommittee, so I am aware of all the hard work that went into pulling it together, from everybody, frankly, in this room.

The Government Work Plan was designed to bring the Assembly together so that it can work in partnership to recover our economic prosperity, build on our inclusive community values and capitalise on many strengths to make Guernsey a safe haven, based on sustaining health, wealth and community.

During the previous terms, the Assembly has under-invested in housing, education, health and infrastructure. It has deferred decisions and kicked the can down the road time and time again. In fact, it was more like dither and delay than Revive and Thrive. In addition, it has also allowed the size and cost of Government to grow, by failing to prioritise and make difficult decisions.

This has got to stop. The Government Work Plan, if approved, will support investment in housing, education, health and infrastructure, to name just a few of the initiatives. It will help to drive economic growth, diversify the economy and lead to innovation. To be successful, we have to prioritise. If we try to take on too many priorities we will fail, as has been the case in the past.

If we focus on a smaller list of priorities, we actually have a fighting chance of delivering them. Clearly, some difficult choices have had to be made and some of these choices have been influenced by recent events, such as COVID-19 and Brexit. As a result, as you have already heard, four priorities were identified: responding to the pandemic, managing the effects of Brexit and our international obligations, delivering the recovery actions and reshaping Government.

Whilst P&R were responsible for the final list of initiatives, there has been a good deal of interaction, both at President-level, Committee-level and at many events set up for Deputies to discuss and provide feedback on ideas. In addition, let us not forget P&R consists of two independents, one Member of the Guernsey Party and two Members of the Guernsey Party of Independents. The GW subcommittee was made up of two independents, one Member of the Guernsey Party and two Members of the Guernsey Party of Independents.

So, a good cross-section of Deputies were involved. If something is not currently included, it can be when the Government Work Plan is reviewed in the future. That is the opportunity to add new things in. For now, I encourage you all to support the Government Work Plan, so that we can actually drive some of these initiatives forwards. Thank you.

The Bailiff: Members of the States, we will now adjourn until 2.30 p.m.

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

POLICY & RESOURCES COMMITTEE

Government Work Plan 2021-25 – Debate continued

The Deputy Greffier: Amendment 4 – continuation of debate.

1855

The Bailiff: Alderney Representative Roberts.

1860

Alderney Representative Roberts: *[Unfortunately parts of this speech were inaudible due to non-use of a microphone in the Chamber]* Thank you, sir. Palliative care is a subject dear to my heart and one I would like to really see taken seriously. However, at this point, I would refer you back to the conclusion of the debate in May 2018, made on behalf of HSC *[inaudible]* palliative care would be reviewed as a priority and as necessary. I of course would like to see palliative care and *[inaudible]* not everyone at the end of life or terminally ill *[inaudible]*.

1865

It makes perfect sense that at the very least palliative care is the very best that it can be for people who do want that offered and that is simply not the case at the moment. Although I will commend the care that they are getting at the moment. It is much improved.

I want to tell you a lot more so thanks Deputy St Pier for bringing this forward and asking me to second it. I will support on P&R *[inaudible]* funding they think can be given in support of this end-of-life care issue. From a wealthy and caring society they could find *[inaudible]* if it clearly wants to.

1870

Look, Alderney has an ageing, older population and that needs reviewing now. It cannot be kicked down the road until 2025, although I do appreciate if it is even kicked down for another year, it will be kicked down the road. These patients simply do not have time on their side, *[inaudible]* home carers. I cared for my own dear wife Anna at home in Alderney for six years, so I know what I am talking about. She died in my arms in 2019. I would urge support, thank you.

1875

The Bailiff: Deputy McKenna.

1880

Deputy McKenna: Sir, I would like to agree with Alderney Representative Roberts. Palliative care is under-funded, under-resourced and sometimes amongst the community it is a little bit under-appreciated because they do not realise what the nurses have to do. Deputy Brouard told us that we have a specialist that comes over from the UK for two days in every month and unfortunately two days in a month is not enough when you have a loved one that is dying.

1885

Unfortunately you will probably only hear from the likes of me and Alderney Representative Roberts, who have probably got a story to tell and it never has a good ending. So, sometimes in the debate I get lost in all the amendments. Not the amendments, in all the views from everybody who makes it.

1890

I think when we started off this morning, and I must apologise but if my friend Deputy St Pier, if he would not mind, if he is summing up, if he could just say again what it is this amendment is. My understanding is palliative care is not assisted dying, it is a completely separate issue. So what I would like, through you, if Deputy St Pier can start again and just say are we voting for a greater palliative care in our community that would help our loved ones that are coming to the end of their life? Thank you.

The Bailiff: As no one else is rising, I will turn back to the proposer of this amendment, Deputy St Pier, to reply to the debate, please.

Deputy St Pier: Thank you very much, sir, and thank you to everybody who has participated in the debate and thank you to Deputy Queripel and Alderney Representative Roberts for their support. I think Deputy McKenna's comments there at the end actually tied in quite well with Deputy Gollop at the beginning of the debate, that in essence, palliative care is the Cinderella, in many ways, of our healthcare system and the recognition that we do have really very limited access to resources, with no on-Island specialist, relying on part-time access, of course with that specialist being unable to travel for much of the recent past and relying on telephone cover, really is not and should not be regarded as being adequate.

I smiled to myself at Deputy Moakes' reference to previous States kicking the can, cans or multiple cans down the road, but he is obviously very happy to kick this particular can down the road, because that is of course exactly what we will be doing. To address Deputy McKenna's request there, at the end, to sum up what this amendment is all about, I think actually Deputy Le Tocq perfectly described the contents of the Resolution that was approved in May 2018. That is no surprise because, as I said and as he said in his speech, he was the responsible architect for it, and he also very adequately described the improvements, which that Resolution would bring.

I broke that down and indeed the Resolution breaks it down into three parts, into the question of community and primary care and long-term care in the support for providing and assisting carers and palliative care as well. Those were the three elements of that initial Resolution and that is what this review is intended to be looking at.

As Deputy McKenna has observed, although the debate talked about assisted dying, perhaps inevitably because it arose from that debate, there is nothing in either the Resolution or this amendment today, which is to do with assisted dying and, with respect to Deputy Le Tocq, who suggested that I conflated end-of-life care with end-of-life enablement I think actually he was probably the only one to make that conflation during this particular debate. As he said, palliative care is simply one part, albeit an important one as Deputy McKenna has recognised, as Deputy Le Tocq said, palliative care is simply one part of end-of-life care.

Now, Deputy Le Tocq said it would be difficult to complete in this term and I do find that an incredible claim, which is inconsistent with the comments about the resources because, as Deputy Ferbrache acknowledged, if it is simply about the financial resources, that is not a constraint, as I identified in my speech and I was very grateful for him recognising that in his comments. That actually the fraction of resources was simply not a constraint in this particular case, in this particular amendment.

But, as Deputy Ferbrache did go on to say, the bigger constraint is actually the fact that the individuals who would need to be consulted are already fully committed, was the phrase he used. Absolutely, I acknowledge that, particularly of course the Director of Public Health is a key individual in relation to this work and I acknowledge completely that that particular individual and her team are 'already fully committed'.

The challenge, of course, is when will they not be fully committed. Yes, we know the pandemic will at some point pass us by but the nature of health and social care is those individuals, the people that will need to be involved in this review, will always be fully committed to other projects, unless we prioritise that this is something that we do wish them to be looking at, which is of course what this debate and this amendment is all about.

Deputy Brouard, I was pleased to see, knows that a compelling case can be made. He went on to say he did not want to pre-empt the review and then I think he pretty well did just that, in a classic parliamentary debating style, and speculated on the numbers that might emerge from the review, perhaps to scare us away from approving the review. That, of course, is a debate for another day. The review directs that the recommendations would come back and indeed that would need to form part of a completely separate prioritisation process, as what do we want to do with the recommendations and how do we wish to act upon them.

Really, in engaging in that pre-emptive speculation as to what the review might contain, what he was really doing was suggesting we do not really want to do the review because we are a bit afraid of what it might tell us. It might tell us we do need more palliative care resources, for example. Which brings me back to Deputy Le Tocq's comments that actually maybe this is something that with his contacts, with his help from the third sector, whatever, we may be able to find a bit of extra resource for this. So, yet again, much as we were speculating in the last debate on the review of primary education, we may well end up doing a little bit more, *ad hoc* outwith the full extent of the review.

He also, Deputy Le Tocq, said that that would do exactly what the Resolution had directed. With respect, that is not right because, as I said at the beginning of this summing up, the Resolution comes in three parts and it deals with three elements of end-of-life care, of which palliative care is only one. It is not correct to say that, even if we can cobble together a bit more resource from somewhere outside that will help us provide a bit more palliative care that that will discharge the Resolution. It absolutely will not.

The final point that I want to conclude with is the question of, comes back to Deputy Brouard's speech. He said this simply will not be a priority for 12 months. I get that too and that is absolutely why, and I think this is where it is critical that Members understand, as Deputy McKenna was challenging me, the implications of this amendment. Because this amendment does not seek to crowbar this review into Proposition 2 – and to remind you Proposition 2 is what we are intending to do in the next 18 months – it says bring it back into Annex 1, which is all about Proposition 4, which is what are we going to do over this term of Government. In other words, 2023-24.

I did contemplate seeking to present a Resolution that would say I think this is such a priority we should be doing it in the next 18 months, come hell or high water, but I recognised that the Director of Public Health and others who would need to be engaged are fully engaged and, realistically, that was going to be difficult to achieve. For that reason, I absolutely acknowledged, as Deputy Brouard has said, that this will not be a priority for the next 12 months because of circumstances we are in.

But I do think that if we fail to plan to do this work during this term, in other words 2023 or 2024, it simply will not get done. So I do encourage Members, particularly those that were inclined, such as Deputy Dyke when he spoke, towards the outcome of this review to get behind it, so that we do plan within the life of the Government Work Plan to prioritise this, realistically in 2023 or 2024, by which time I would expect that it is reasonable that the resources that will be required to be consulted with will be in a position to assist. With that, sir, I do encourage Members to support this amendment.

The Bailiff: Thank you very much. Members of the States, we come to the vote in respect of amendment 4, proposed by Deputy St Pier, seconded by Alderney Representative Roberts. There has been a request for a recorded vote. Greffier.

There was a recorded vote.

Carried – Pour 23, Contre 13, Ne vote pas 0, Absent 3

POUR

Deputy Queripel
Alderney Rep. Roberts
Deputy Roffey
Deputy Taylor
Deputy Vermeulen
Deputy Aldwell
Deputy Blin
Deputy Burford
Deputy Bury
Deputy Cameron
Deputy de Lisle

CONTRE

Deputy Prow
Deputy Soulsby
Deputy Brouard
Deputy Dudley-Owen
Deputy Dyke
Deputy Ferbrache
Deputy Haskins
Deputy Helyar
Deputy Le Tocq
Deputy Mahoney
Deputy Meerveld

NE VOTE PAS

None

ABSENT

Alderney Rep. Snowdon
Deputy Trott
Deputy Parkinson

Deputy de Sausmarez Deputy Moakes
Deputy Fairclough Deputy Murray
Deputy Falla
Deputy Gabriel
Deputy Gollop
Deputy Inder
Deputy Kazantseva-Miller
Deputy Leadbeater
Deputy Matthews
Deputy McKenna
Deputy Oliver
Deputy St Pier

1985

Deputy St Pier: Sir, I have not voted yet.

The Deputy Greffier: Apologies, sorry. Mr St Pier?

1990

Deputy St Pier: Pour.

The Deputy Greffier: Sorry. I was wondering why my maths did not work!

1995

The Bailiff: Members of the States, the voting on amendment 4, proposed by Deputy St Pier and seconded by Alderney Representative Roberts is that there voted Pour 23, Contre 13 –

The Deputy Greffier: No, 12? Apologies.

The Bailiff: Is that not correct?

2000

Deputy St Pier: I am happy with the result, sir! (*Laughter*)

The Bailiff: I think you will be, Deputy St Pier, anyway. But it is just the amendment that is successful. There is still the amended Proposition to come.

2005

The Deputy Greffier: Deputy Soulsby, were you here for the vote? I did not write you down, sorry. That is where it is.

2010

The Bailiff: Let us have another go, Members. In respect of amendment 4, proposed by Deputy St Pier, seconded by Alderney Representative Roberts, as I said before, there voted Pour 23, there voted Contre 13. Three Members were absent at the time and therefore I declare amendment 4 carried.

[Amendment 2](#)

1. In Proposition 4, immediately after "Annex 1" insert "(as amended to take into account the consequences of the rescissions and replacements of the Resolutions set out in Annex 6)".

2. In Proposition 5, immediately after "Annex 2" insert "(as amended to take into account the consequences of the rescissions and replacements of the Resolutions set out in Annex 6)". 3. In Proposition 19 at the end, add ", subject to replacing the text appearing immediately after the words "amended as follows:" in the column entitled "Reason for Rescind and Replace" in item 4 of Table 6.2 in Annex 6 (page 221) with the following: "

3.

(i) To direct the Committee for Employment & Social Security to bring detailed policy proposals to expand the grounds covered in the Ordinance referred to in Proposition 1 to the States for consideration, in accordance with the following timeline:

Completion of Phase 1

- 2021 – Training Stage: Provision of training and information, etc, in respect of Phase 1 as approved by the States.

- 2022 – Implementation Stage: Enactment of legislation in respect of Phase 1.

Delivery of Phase 2

- 2023 – Phase 2a policy letter: Protection on the ground of age. Modernisation of the existing Sex Discrimination Ordinance. Consideration of multiple and intersectional discrimination.

- 2023-2024 – Phase 2b policy letter: Equal pay for work of equal value on the ground of sex, including publication of an economic impact assessment.

- 2024 – Legislation, training and implementation for Phase 2a: Subject to States approval of policy proposals, Ordinance including Phase 2 grounds brought to the States for approval and implemented (with six-month lead-in period as in Phase 1). Training on new grounds of protection rolled out.

- 2025 – Legislation for Phase 2b: Subject to States approval of policy proposals, Ordinance on right to claim equal pay for work of equal value on the ground of sex is brought to the States for approval but for enactment no earlier than 2027. Specific Lead-In Periods

- 2026 – Discrimination in education: In accordance with Table 8.6.1 of the policy letter, provisions relating to discrimination in education come into effect no later than 2026.

- 2027 – Accessibility: The provisions of the Ordinance relating to public sector accessibility action plans and complaints in respect of changes to physical features come into effect.

- Equal pay for work of equal value: Subject to States approval of policy proposals, statutory right to claim equal pay for work of equal on the ground of sex comes into force at the time approved by the States following consideration of the Committee's policy proposals in respect of phase 2b, but no earlier than 2027. Evaluation

- 2029 – Post-Implementation Review: To take place no more than two years after all provisions of the Ordinance are in force. May take place sooner if required.

(ii) To direct the Policy & Resources Committee to ensure that the Committee for Employment & Social Security is provided with sufficient resource, through its annual budgets and/or through the provision of shared States' resources, to deliver the remaining policy and drafting work within the timeframe set out in Proposition 3."

The Bailiff: We move to amendment 2 and, Deputy Roffey, this is your amendment, seconded by Deputy de Sausmarez, if you want to lay it now, please?

2015

Deputy Roffey: Thank you, sir. I imagine Members will be relieved that I do not have a long, written speech on this particular amendment and the reason that I do not is because it is not about the substantive issue of equal pay for work of equal value, whether or not the States should introduce it, whether or not ESS should even recommend that it is introduced and certainly not about when it should be introduced if the States is mindful so to do.

2020

If it were, I would have a great deal to say. I would be looking to lay some of the ludicrous myths that are around over the potential cost of equal pay for work of equal value inside the sex ground alone, as opposed to more general law in that regard. But it is not, so I am not going to indulge myself in that way.

2025

It is about one thing only, which is when is the right time to do the policy work in regard to this question. At this point, I think I should thank P&R for making the whole equalities legislation a priority under the Government Work Plan. Phase 1 is the absolute priority, to do with the next bit over the next 18 months, and we will be, hopefully, introducing the new Law next year and making it go live.

2030

Then nearly all of the rest of what was approved a year or so ago will come later on in this Assembly. We will be having to consider all of the policy work in relation to that Phase 2 and bring it back to this Assembly. As a part of that, we are going to look again, we are obliged to look again, at everything to do with the sex ground. The sex ground is the only one that already has an existing

2035 piece of legislation in relation to equal pay but it is now outdated. We are going to have to look at all the other aspects of the sex ground and we are going to have to revisit the equal pay bit.

2040 But, without this amendment, that examination of equal pay will exclude equal pay for work of equal value, which will be done on a separate occasion, probably by the same staff, presumably early on in the next term. It has been put back decade after decade and I am not hearing from P&R they want to put it back forever. If we are going to put it back forever, I would rather we considered it and ruled it out.

2045 So the question is, to the Assembly today, when is the best, most cost-effective, most sensible time to look at the issue of equal pay for work of equal value on the grounds of sex. And we are, ESS are, quite clear that the most cost-effective way to do it, the most sensible way to do it and the most time-effective way to do it is when we are doing the work that this Assembly has told us to do, which is re-examining the sex ground generally, including the grounds of equal pay. Different to equal pay for work of equal value, but they are so inter-linked, to do them as two separate pieces of work, quite frankly, would be an absolute nonsense.

2050 So, we are not telling this Assembly today that it ought to back equal pay for work of equal value. We are not telling them, if they do so, when that should happen, but we are inviting this Assembly to consider it during its lifetime, because it is probably one of the most-delayed policy issues that has ever disgraced our policy agenda.

2055 When the very first government work plan was drawn up – I forgot what it was called then, the government something, business plan – under the then Deputy Stuart Falla, this Assembly, different Members by and large, was invited to fast-track one thing that they wanted to be done in a relatively short lifespan in the social area and they decided consideration of equal pay for work of equal value was the one thing that they wanted to put in the fast track. I do not know how many years ago that was but it was in the noughties somewhere, so we are talking probably about 15 years ago, something like that.

2060 We just think it should be looked at and, to be honest, if P&R are saying to us, we have not got many staff – they are right there but will all say we are better off than others and they are probably right there as well, to be honest – and they are trying to save us the work, this will not be the big element of the work when we look at the sex ground and revisiting it. Why will it not be? Because equal pay for work of equal value on the sex ground is so well-established elsewhere that it is actually easy to plagiarise, to look up experiences elsewhere.

2065 Where anybody bringing in prior case law has really difficult work is different countries bring them in at different times and there is always some emerging issue on the vanguard that nobody has really dealt with properly yet. And I can tell Members what it will be when we look at sex, sorry, the sex ground, I should say, in the second half of this Assembly, it will be the competing demands between transsexual people who were born as one sex and now identify as a different gender and want the right, as they see it, to live their lives in the gender they identify as, against the rights of women's groups who will say, 'We need safe spaces. We need single sex spaces. We certainly do not want to compete in sport against ...'

2070 That is where, unfortunately, the roulette wheel has stopped and I have to say I am looking forward to doing that work like I am looking forward to a visit to the dentist for root canal work, particularly because I am not on the extreme edge of either on that, I am expecting invective to come in from both sides and I am expecting there to be an awful lot of work and difficult, detailed work to do. Equal pay for work of equal value is not.

2080 It may be a difficult decision to take and it may be, given the nature of this Assembly, that the decision is one that I do not like, that I go home and kick my non-existent cat over. But do not just put it off. The sensible time to do it is obviously when we are looking at the sex ground. We were talking about limited resources. Do not get the same group of people revisit similar situations twice, similar policy issues twice.

This is not really a big amendment and if you do decide that you want to kick it yet further down, 15 years is not long enough and you want it to go to the next Assembly, no wonder even the WI

2085 are getting angry over this and, I am telling you Members, you really do not want to be on the wrong side of the WI. Even they are getting frustrated because decade after decade is passing.

If we as Guernsey want to say, 'No, we want none of this, there might be costs involved, let us look at it, bring the report and do that,' no problem. Well, I think there is a problem, I think it would be the wrong decision, but it is democracy. We are just putting it off. In a way, that is actually going to create more work. It makes no sense at all. So I invite people to pass this amendment.

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

Deputy de Sausmarez: I do, sir.

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The Bailiff: Thank you very much. Deputy Inder.

Deputy Inder: Sir, I do not know if this is good or bad but I am going to go a bit sort of freeform again today. Hopefully there are people in this Assembly, and I think Deputy Falla might well be one of them, actually, who have come out of small businesses that have never discriminated against women, have kind of worked with pay based on what the market will afford. If you do not pay them enough they are going to leave anyway, which actually does not happen in the Civil Service, which is one of our biggest employers. It is our biggest employer, in fact, or it costs the most.

2100

The Proposition is to expand the grounds covered and Deputy Roffey has mentioned equal pay for work of equal value and in the explanatory note he says a claimant would have to show that the different work will be rated as equivalent under a job evaluation scheme, had there been one. This has got subjectivity written all over it. In an organisation, our biggest employer, an organisation the size of the Civil Service there are no two ways about it, I can give an example where I genuinely believe the community nurses are under-paid, they do an awful lot of work and they get paid very little, sometimes as low as £25,000.

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Now, I cannot for the life of me see why someone who has got a PR role, knocking out formulaic responses to Government policy, would be on almost maybe two, three times that. So I can see there are massive disparities. Having more likely to need one than I might need the other – although having said that, this week, maybe I do need the other rather than this one – I can see obvious disparities that I do not particularly need a law for.

2115

What I do not quite understand is that, in a large organisation, if we have got, I am going to use a paper-based function within the Civil Service. I do not know what the grades are, an S.O. that might be managing another person. I think this is something I would like to hear from Deputy Blin actually who hopefully might be able to get up and talk about this because I think the only person who has got any real experience in recruitment is actually Deputy Blin and his business, so I am going to do a little bit of a challenge here.

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This has come from someone who basically ran with the market and has never discriminated on pay. We could not help it. We would have to take blind man, beggar man, thief, because it was very difficult for us to employ people in Guernsey, so we took what the market, it does not matter your colour, your caste, your creed, your gender, your sexuality, we took what we could take and they got employed for the market that existed.

2125

We did not think we could get away with £2,000 less because that person had to be a lady or that guy was a bit more foreign than the other guy. It just did not work like that. So, I have never experienced like the problem that Deputy Roffey seems to be alluding to. That is only from my experience.

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Deputy Roffey: Point of correction, sir.

The Bailiff: Point of correction, Deputy Roffey.

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Deputy Roffey: I did not allude to any problem, I said we wanted to do the policy work to look at whether there was a problem.

2140 **Deputy Inder:** Okay. I do not really accept that. So, if the problem does not exist, there are no people clamouring at our doors, it then poses another question, why bother doing it at all? But the bit I do not quite understand is the equal pay for equal ... It is so subjective, I think we are setting ourselves up for a trap because, as soon as you open this door, hundreds, the gardener is going to say, quite rightly so, maybe not quite rightly so, that his value is as good as delivery driver, the delivery driver is going to say if I do not get the medicines to the hospitals the nurses are not going to work, the nurses are going to say, if I do not look after the patients, probably the only course we can dump everyone on ESS.

2145 This looks like a bit of a self-imposed trap. Deputy Roffey in his point of correction said he just says we want to go and look at it. Why would we want to just go and look at if there is no real evidence, apart from obvious stuff, that I think and I made the example of the poor community nurses, looking at some of our most disabled working very hard versus possibly people who have got paper-based roles.

I do not know how far this goes but it also, if something subjective comes out of this, we have also already got challenges in our own economy so I am going to speak for, to a degree, from that small, medium business person who is already struggling to find staff who works with the market, who might be put in a position where, every time they employ someone, there is going to be a shedload more compliance, a shedload more paper, more justification, more ensuring that they have not stepped over an imaginary line.

2155 I do not think I am going to support this. In fact, I am fairly sure I am not going to. Because I have not seen any evidence, personally, that there is much of a problem in the private sector. Certainly the private sector. I think the issue is probably within the Civil Service itself. I think that is a problem. What we do know is that people will maintain their role and their pay grade. It does not matter how they move on because the pay grades rarely drop.

I can think of a live example at the moment, fairly close to my mandate, where an individual might be in a role, where anywhere else it might have been possibly in the private sector, 40%-50% less than the current value. Now, if you are matching that within an individual organisation, that person's value to the person lower, if you are already matching your claim for equal value against something that is already high, anyway, we are walking into a bit of a trap here.

2165 So, one, I have got fears that Deputy Roffey has not convinced us there is a problem. In fact, his interjection said there is no problem, so let us just spend some money looking at it, which makes no sense to me. I do not like the subjectivity at all. Yet, I think the bigger problem, from where I have seen it, is actually in the organisation itself where I think some of the lower paid people who do most of the work are getting proportionately less amount of money for some people who are doing less of it. To that end, sir, I will not be supporting this amendment. Thank you.

2170 **The Bailiff:** Deputy Dyke.

Deputy Dyke: Thank you, sir. Just to recap. The Government work programme is designed to prioritise what we are going to do in our straitened circumstances. So, I fail to see how it can possibly be a priority to spend money looking for a problem that does not really exist, as I see it, with the risk of finding a solution, which will cause massive problems.

2180 If you look at the Civil Service, you know how it is going to go. We will need 50 more people in HR to try and administer it, everyone will be arguing they should be paid more because somebody else has got more over there. All the figures will go up at a time when they have to go down, so why on earth would we leap into that chasm.

2185 Then, as Deputy Inder has pointed out, in the private sector, it is another problem for small businesses. Somebody is trying to employ an extra person. They have got two, they want three, then there is compliance that they have to go through, they do not have the money, the new

employee sues because someone else is getting more than him and it is not fair. It is ridiculous at a time when we are trying to cut costs and grow the economy. This would do neither. It cannot possibly be a priority. Thank you.

The Bailiff: Deputy Blin.

Deputy Blin: Thank you, sir. I was not actually going to speak. So, I will start off basically from a justice perspective, equal pay for equal work is fair, from a justice perspective. But we are also in a situation where us as Government, or the Assembly, should be looking at helping business, helping the community, helping the vulnerable. We have all those responsibilities, which we have to carry.

The difficulty I see is that this could actually, it makes us once again, market forces do not operate because we will be taking over and putting what businesses have to do, which is quite a risky thing. It is good to protect. We have sex discrimination, you have protection against on pay. But overall Guernsey, with its 20,000-plus businesses, and remember a lot of them are maybe sort of four or five people only, this could be seen as a burden.

Now, I have personally been in business and, as Deputy Inder pointed out, I have also been involved in recruitment and employing, so I have never seen, I have helped hundreds of people through getting jobs and opportunities and when you actually talk to the employer, you compare if the recruiter, and I am sure this would be backed by many sort of recruiters, at even HR on Island, they will kind of look at you and say, 'Well, I think this is a fair amount of money paid, so actually this is a good one to go to.'

Someone will spot it and if someone does, an individual will or a colleague at work will. So I do have that sort of faith that market forces and people can control that. But the other risk to this is it could actually slow the economy. I think Deputy Dyke was kind of almost referring to that because you will lose your competitive edge. If it is going to be the same money for the same work, you are not going to have the incentivisation to work 10 times harder to do more, to know that they will be rewarded, because actually you are going to be paid what the others are paid. So we get into that new state where you do not feel the incentivisation so much.

The equal pay for equal work I think will be particularly beneficial to women, which is a good thing, but that should happen with market forces in any case, and with transgender there may be situations of their choosing, in which a gender is covered in the job. So all of this, within our community, should come out naturally.

I will just give you an example as well. I know a woman who was a very senior professional who took several years out, about five years out, to raise her family and when she returned they wanted her to kind of go to this senior role in the job but she said no, she wanted to actually go back down a bit. They said, 'No but you should have that salary, should have that thing.' But no, she wanted to build up again. There could be issues there on what that pay should be for that person.

There is also, if you look at a lot of the comparisons, sometimes it is going to be someone seems to be paid less but this could be because their lifestyle choice, they have chosen to work lesser hours for, again, lifestyle and family reasons. So, I just feel that we live in a society that we should be protecting each other in any case and I do not feel that, at this point, we should be having any changes to this and let it continue with codes of practice and other elements. Thank you, sir.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir. I feel like I am in a parallel universe here because I am not sure we are really debating the right thing at all. The amendment is quite specifically, as Deputy Roffey explained in his opening speech, about when the policy work should be done. So, we are bringing forward a suite of legislation, there is going to be policy work around this legislation and one strand of that work relates to this workstream, which is equal pay for work of equal value.

Now the debate seems to have centred so far on equal pay for equal work, which is not the same issue at all. So, I am very sorry but I do feel obliged to read from the very policy letter the bits that

2240 everyone seems to have missed, just to explain what we are actually talking about because I think it is an important distinction to make. It is not about someone coming along, the examples that Deputy Dyke cited, we have got a gardener saying, 'I am not earning as much as this electrician,' or whatever it is. That is not what we are talking about.

2245 Just so we have got the kernel of what this item is about correct, I do think it is important to quote from the policy letter. So equal pay for work of equal value is ...

... different to 'equal pay for equal work'. The States agreed in July 2020 that it would be unlawful under the new Discrimination Ordinance for an employer to establish or maintain differences in pay between employees doing 'equal work' based on any of the protected grounds. People are considered to do equal work when they do the same work in the same or similar conditions, or where two people are doing work of a similar nature and the differences in the work performed or the conditions under which it is performed are either of small importance or the different duties are performed infrequently when considering the work as a whole.

So that is equal pay.

EPWOEV provisions allow people doing different jobs to compare pay differences related to a ground of protection which might help to challenge systemic pay differences –

2250 **Deputy Dyke:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Dyke –

Deputy Dyke: Deputy –

2255 **The Bailiff:** Just a minute, Deputy Dyke, what is the inaccurate or misleading statement that Deputy de Sausmarez has just –

2260 **Deputy Dyke:** The inaccuracy is suggesting that those of us who have spoken so far are complete imbeciles and do not know the difference between equal pay for equal work and equal pay for work of equal value. We know the difference and we know what we are talking about. We do not need the lecture on what the differences are.

The Bailiff: I do not accept that is a valid point of correction. The Members will form their own view as to the accuracy or otherwise of –

2265 **Deputy Dyke:** Apologies, sir.

2270 **The Bailiff:** – previous speakers. What Deputy de Sausmarez was doing, before she was interrupted, was quoting from documents that have been before this Assembly previously. Please continue, Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir. This is in fact the document that is before us now. This is the policy letter, which we are debating. This is section 4.20 and 4.21 of the Government Work Plan policy letter. So:

In July 2020, the States noted the Committee for Employment & Social Security's intention to recommend, in 2023 (as part of the Phase 2 policy proposals), the introduction of the right to equal pay for work of equal value in respect of sex, in accordance with the International Covenant on Economic, Social and Cultural Rights and in order to support the extension of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The timetable agreed suggested EPWOEV would require a four-year implementation period, so that it would commence in 2027.

2275 Now, obviously that is some time off, but to bring us back to the amendment that we are debating, right now, as Deputy Roffey explained, this is about when we do the policy work around that. So, really, the question that we are being asked to make as an Assembly is, when we consider

the ground of sex, in terms of the discrimination legislation, do we include equal pay for work of equal value or do we exclude it?

2280 Now, Deputy Roffey has explained how it would be nonsensical to take this one workstream, which is absolutely inherent to that ground of discrimination, out of that bit of policy work to do it later. It makes no sense to take that bit out of this particular workstream and just hang it in the ether somewhere. So, I am really not sure why we would do that. It makes no sense. It is not a big deal in terms of the policy work. We have got to do the policy work anyway. It is a much more
2285 efficient way of working to bring that policy work and do it at the same time.

Now that does not necessarily mean that the States would then agree to do this. It does not necessarily mean that the implementation would be in 2027. Those things could be altered by an Assembly. That is what the work is designed to do. But it does not make any sense at all to take this one element of the policy work out and not include it.

2290 I do not think anyone can stand here and claim that it is not an issue. We get very competing narratives around this. On the one hand we are told that it is not an issue and it surely does not exist at all. On the other hand, it is going to cost us tens of millions of pounds every year to rectify. Well, it cannot be both.

But really that is not the issue in front of us. We are not being asked to decide whether we agree
2295 to bring in this at the moment, we are being asked to decide whether or not to include this piece of work in the policy work that is going to be taking place anyway and to me that seems like an eminently reasonable suggestion and in fact I would go so far as to say it does not seem in any way logical to me to take that aspect of the work out and just suspend it at some point in the future.

This is something that needs to be addressed and the sensible time to do that work is while we
2300 are doing the rest of the work around it. I really do not see why anyone would not support this amendment because, as Deputy Roffey explained, ultimately it would create more work in the future to pick the pen up again, after all the original work has been done, to go back and look at it. He quite rightly says that, actually, if this Assembly is minded to reject this as a legitimate ground, and he was good enough to remind us that this is a very well-ploughed furrow or whatever, this is
2305 something that is a very mature area in other jurisdictions so there is plenty of precedent.

It is not the sort of subjective nightmare that Deputy Inder alludes to. This is something that is very common everywhere else. So it would actually be less efficient to do the rest of the policy work in this political term and then have to start again afresh. So, if this Assembly is minded, there is nothing to force this Assembly to support that once the policy work has been done but, if this
2310 Assembly is not going to support it, then that is the time.

Do not go through the inefficiency of saying, tell us not to do the policy work at the logical sequence, during the logical time when it would be sensible to do that, and then send policy officers to go off again and do that work in the future if the Assembly is not minded to support it. The policy work may as well be done in one go, as is the most efficient use of resources, and if the Assembly
2315 wants to decide at that point it is not something it wants to pursue, then fine, it has saved a bit of work.

But it is really inefficient and, to my mind, completely illogical, to extrapolate this one particular aspect of the work and treat it as a separate item and delay it even further. So, I would urge Members to support this amendment. The practical effect of this amendment is really just to make the
2320 workflow more efficient, so I would urge Members to support it.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir, and it is interesting to hear the sponsoring Committee
2325 of the work itself on discrimination arguing for the work to be put back in and obviously the explanatory note in the policy letter, which states:

As part of the phasing process of the Plan, informed by the Sub-Committee's views, by a majority, the Policy & Resources Committee is suggesting that the policy development for –

– and I wish it could have a snappy little acronym, but –

– EPWOEV is deferred until the next government term due to limited policy development resources, given the other priority actions, and uncertainties over the costs involved.

2330 What I have not heard so far is what the financial cost of the work will be and I would hope that the sponsoring Committee of the discrimination proposals, from the President, Deputy Roffey, that they might be able to put a price tag on this, the same way that we have heard earlier in debate, because for me that is really important.

2335 I understand that the Committee want the work to be done and I understand the arguments about efficiency and doing it all together. I get that. But we are about what is financially viable today and what the art of the possible is, given the constrained reality of our finances. Again, we have got another Rule 4(3) and I am sort of picking up on this theme throughout this debate, with insufficient information, facts and figures, around what the actual cost of this work will be and why, therefore, Policy & Resources chose to push this work out of this particular Government Work Plan. So, I would
2340 be really grateful, sir, if the President in his summing up, could give some hard facts and figures around that particular area, which is missing in the Rule 4(3) part of the amendment. Thank you.

The Bailiff: Deputy Oliver.

2345 **Deputy Oliver:** Thank you, sir. I have been hearing that it probably is beneficial to do the work alongside the other work. One thing I wanted to know is, by doing this extra work, will it actually delay what we have got set out in the first one, if you could just answer that for me when you sum up? Thank you.

2350 **The Bailiff:** Deputy Gollop.

Deputy Gollop: *[inaudible due to non-use of microphone]* to make the amendment process perhaps more resilient, but I am also of course on ESS, which is placing this amendment and I support it too. I do not know the full costs of it but I do know there are costs. But we need, and we
2355 are told that we will be given by Policy & Resources, this Committee and its predecessor, when the Civil Service structure changed two or three years ago, long before COVID, admittedly, we were very much told that we would be given the policy and resources we needed to do our work.

Of course this is a discreet work issue, the amendment covers. But the whole question about equalities, of the elimination of discrimination against women, CEDAW, the Disability and Inclusion
2360 Strategy, this dates back years and years, almost as far as Deputy Roffey's reference to, well that distance, to when Deputy Falla was Deputy Chief Minister.

So we have got decades of form, here, of promising a lot and not actually getting on with the work. And that is why I think it is important to work in a measured way on this kind of thing. As
2365 Deputy Oliver says, it does make sense, it will be more cost-effective, to carry out the policy work on equal pay for work of equal value during 2023 at the same time as the policy work in respect of the replacement of the Sex Discrimination (Employment) (Guernsey) Ordinance.

Because most of the speakers have actually gone into the rights and wrongs of the idea of equal pay for equal value. That is not what this amendment is about. It is about looking at it. Like some
2370 other Members, I went to an interesting think tank presentation the other day. It was predominantly focused on the disability side of our work. But their call was for a measured, timely, evidence-based understanding and, where appropriate, economic impact assessment. Something Deputy Dudley-Owen and Deputy Ferbrache mentioned in the previous States.

This does this. It is actually looking at the right time in the process before we enter into legislation, which some people here might argue could be put in a different way or we could live to
2375 regret. Others would say we need the legislation. But we actually need to evaluate the real issues, the costs, the benefits, and this amendment actually gives a better gateway into all of that than what would not be an holistic approach and would be a rather fragmented approach.

I disagree with Deputy Inder when he says it is entirely a subjective process. We Members have, over many generations now, almost, had our pay set by a panel and then we kind of massage it when we come to it and we know, for example, Jersey have a completely different approach to Members' pay, the Isle of Man different again, and we have a hierarchy basis of pay for value your workload. Jersey do not, to the same extent. So the three Presidents sitting here, all three of us have spoken, we do not necessarily merit as much, of course we do not, as the more senior figures.

But instead of just a panel coming to a conclusion on that or on any element of employment in the public sector, private sector or tertiary sector, you can actually evaluate these things more methodically, more in a socio-scientific way. There are professional pay evaluators, there are professors who specialise in these things and they will actually look at all kinds of issues, like qualifications, skills, responsibilities, people management, as to how you evaluate equal pay for equal value. There should not be an assumption that the pay will go up or down, either.

I will give way to Deputy Inder.

Deputy Inder: I am just intrigued Deputy Gollop, with your experience, having been in Government for a long time, and not actually delivering on what you have asked to deliver, in your experience, let us put a scenario – and they do exist – that there might be a civil servant that was on £15,000, £16,000, sometimes £30,000 more than they would normally be just because they have been there for an awful long time. How does that fit into your scenario? Do you think it is likely – because I know what the answer is already – that that would be recognised and that salary dropped to what would be a reasonable market expectation? Or does he believe that we will end up basically pitching the level to those who are paid the most? Because I think I know what the answer is.

Deputy Ferbrache: Sir, can I just –?

The Bailiff: Deputy Ferbrache, on what basis are you rising to your feet?

Deputy Ferbrache: For you, sir, to make a ruling, if you would, in relation to both Deputy Roffey, sorry not Deputy Roffey, apologies, Deputy Gollop and Deputy Inder, neither of them are speaking to the amendment, they are going to examples so they are exceeding it. It is a matter really for you, sir, and I make no apology for standing up.

The Bailiff: I was not expecting you to apologise, Deputy Ferbrache, but I think you were raising a point of order.

Deputy Ferbrache: Well, I do not know what I was raising! *(Laughter)*

The Bailiff: I think it is a point of order in relation to both what Deputy Gollop was saying and what Deputy Inder has put, by way of his give way interjection. As Members have been saying, this amendment is about timing. It is not about the substance of the matter. So can we confine ourselves, please, Deputy Gollop, when you resume speaking, on the issue of timing, because we have got extant Resolutions at the moment, we have got a proposal to change them and we have got a counter-proposal to change them to something different. But that is all that is an issue in relation to this amendment. Deputy Gollop to continue, please.

Deputy Gollop: I very much agree with your ruling and the point Deputy Ferbrache has made. Although we have, of course, had other speakers who questioned the philosophy of it. But that is not our role today.

In terms of timing, I would say that the arguments of the Committee are correct, because it will make the whole process more efficient and may also, to refer to Deputy Inder's interjection, ensure that we actually do have a root and branch analysis of this as soon as possible. Because back in the day that Deputy Roffey alluded to, 2007, when equal pay for equal value was an issue then, there

2430 was a feeling that the States were one of the worst offenders and the point is that I believe that we do need a complete restructuring of public sector pay anyway, based upon an impartial analysis and incremental – I have been here a long time, folks – is not this kind of methodology.

It is not based upon grandfather clauses, it is based on equal pay for equal value. So, the quicker society is able to measure work properly and not based on outmoded systems, the more cogent our politics, philosophy and expenditure will be. And more fair, as well.

The Bailiff: Deputy Le Tocq.

2440 **Deputy Le Tocq:** Thank you, sir. I will try and be brief and try and keep myself to the point of the amendment. Deputy Roffey is absolutely right that this was first put forward to be fast-tracked in the 2004-08 Assembly and I found myself, then, on a steering committee chaired by former Deputy Stuart Falla and including, along with myself, former Deputy Jeff Mahy.

2445 The reason that we were persuaded – and incidentally it took us over half of that term to come to this Assembly with an agreed set of Propositions for a government business plan. We have at least managed to do that in very rapid time compared to that. But it was soon completely thrown aside because implementation of that plan was then thrown out by the next Assembly.

2450 So, there is a sense of urgency, I can completely understand that. But I have got a question for Deputy Roffey. That is, I remember, particularly at that time, that the primary argument for us fast-tracking this piece of research and the focus on equal pay for work of equal value, and I was at the time Chairman of the Public Sector Remuneration Committee so I could see the potential effects, but the reason given was that the embarrassment – perhaps that is the best word to use – for not being able to sign up to CEDAW.

2455 We are still in that place, in that position and I still think that is not a good thing at all. However, Jersey has signed up to CEDAW and it has not done this work or has a law to this effect. So, my question is, why can't we do the same? If we can do the same, what is the reason to fast-track this now?

The Bailiff: Deputy Ferbrache.

2460 **Deputy Ferbrache:** Sir, sticking rightly, as Deputy de Sausmarez brought the debate back to its issue about this particular amendment, about when this particular piece of work should be done, it seems to me, from my experience in this Assembly – I do not think Rule 4(3) was around when I was first in the States; if it was I do not remember it but it has certainly been around the last five years.

2465 It is more dealt with by not being properly followed than it is ever being properly followed. The idea of bringing it in was so that you would know the financial implications of any decisions the States has made. The States could easily, in relation to it, just say, 'Bring it all on, you will have to find the resources. Tough luck, you will have to do it.'

2470 If it does that, fine, and very little will actually get done, because you will just have a bigger cake to eat and less mouths to be able to bite into it. But what Deputy Dudley-Owen said, she drew attention to the Rule 4(3) and this is pretty wishy washy and we have now heard from three Members of the Committee for Employment & Social Security and none of them has actually addressed this point. So Deputy Roffey, I hope, will address this point when he responds.

Rule 4(3) and what they say is this:

The Committee for Employment & Social Security believes that it will be more cost effective to carry out the policy work on equal pay for work of equal value during 2023, at the same time as the policy work in respect of the replacement of the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005. Carrying out one post-implementation review, rather than three, will result in cost savings.

2475 So, I will be grateful if Deputy Roffey can tell me what those cost-savings will be in a quantifiable form and also in relation to officers' time. The final paragraph of 4(3) says:

There is a cost attached to carrying out an economic impact assessment, which is currently unknown, although it is noted that the Policy & Resources Committee is proposing that an economic impact assessment is carried out, so this amendment does not create additional costs in that regard.

But that is a bit, if I might respectfully say so, of a mealy mouthed answer and I would like a clearer answer from somebody who does speak directly, which is Deputy Roffey, because what we say, that is Policy & Resources in the letter that we sent out to people yesterday is that the amendment will require additional funding and resources if agreed and then we go on for other reasons. The whole of the paragraph as set out.

So, is Deputy Roffey saying he disagrees with Policy & Resources, when it draws on an objective basis to the States' attention, to the fact that it will require additional resources and funding? If he is, fair enough, he can say so, and no doubt he will give logical reasons of why he is saying so. If he does accept that there is some additional funding and does accept that there is some additional resource requirement, can he please tell us what that is?

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir. I have a number of points I wanted to reflect, the first one actually being that we have heard from a number of Members that, if we find a Committee bringing an amendment to the Government Work Plan, because they think it is the best way to progress their piece of work, then surely the starting point is actually to say we support the Committee?

This is just a reminder, this is the Committee *for* Employment & Social Security that is bringing this amendment to the table and they have worked with their officers to come with this amendment and to compile the reasons, including the Rule 4(3) copy in that amendment. Surely the Committee and the officers will be in the best position to know what it would take to conduct this work?

So, I am a little bit astonished that P&R is coming and saying, actually, 'We do not think that is correct, we think it is going to be done this way.' I wanted to ask what kind of consultation has P&R done with ESS regarding Rule 4(3) and the response provided and the nature? I think on the point of the cost, Rule 4(3), on the point of the cost of doing something, I want to come back to my point that I made earlier, what is the cost of inaction? What is the cost of not addressing issues that we find in our society?

To me, this is the much more fundamental question, which this piece of work, along with the rest of the discrimination legislation, is trying to bring light to. What it is saying is there is abundant and fundamental evidence to show that there is systemic discrimination throughout our society. There is all the evidence to support that on many grounds.

I think it has been noted by other Members that the members of our society who most feel the brunt of that are women and I think, if I had to probably summarise, and I hope I am correct in that summary, what it entails is that members of our community, largely women, are underpaid and undervalued for the work that they are doing.

So, what I want to show with that is that no matter how hard they work, no matter how many hours in the day they put, no matter what kinds of jobs they do, they are not earning the same as they might otherwise if there was an objective system to determine the value of their pay. What I want to say is this fundamentally translates in all sorts of other social and economic issues we face in our community.

So, as a Government, we are going to go into huge effort to solve the housing crisis. Many Islanders are unable to buy a house, they are unable to get mortgages to buy a house. Well, it kind of really comes from the point that they are not earning enough money to buy houses. So, we are trying to solve them, going to put huge amounts of effort, for example, to solve the housing crisis. But the flipside of it is that members of the community –

Deputy Taylor: Point of order, sir.

The Bailiff: Point of?

Deputy Taylor: Order.

2530 **The Bailiff:** Order. Deputy Taylor.

Deputy Taylor: Rule 17(6), I think has been raised from Deputy Ferbrache, straying from the actual amendment.

2535 **The Bailiff:** Yes. It is quite important, Deputy Kazantseva-Miller, to stick to just the timing issues because that is all that is involved in relation to this, please.

2540 **Deputy Kazantseva-Miller:** Thank you, so, I will come back why this links to the timing issue. What I am trying to solve is that when we just look at the cost of doing something, what we actually should also be doing is the cost of not doing something and the longer we wait, so this is related to timing, of not doing these kinds of fundamental, systemic pieces of work that could provide some interesting points, or they may not, but the longer we delay the more we are actually delaying the opportunity to fundamentally change the fabric of our society, how and how much people earn money so that they can sustain a living, which is very costly on the Island.

2545 So, I believe the Committee, and again I want to reiterate this is an amendment brought forward by the Committee on the grounds that it will be more efficient to conduct this piece of work earlier, rather than later, I believe these kinds of pieces of work are works that could make a really important, fundamental change to our society on the many grounds that I have described. And so, on those grounds, I think it is important to support the timing as proposed by this Committee.

2550 This is just back to Rule 4(3), when we look at the cost of doing something, I really would like the Assembly to perhaps remember from my speech the cost of inaction. I just do not think, as an Assembly, we are paying enough attention to that. Thank you.

2555 **The Bailiff:** Deputy Mahoney.

Deputy Mahoney: Thank you, sir. Others have mostly been brief, so I will be the same. Section 1.1:

Any circumstances relevant for the provision of part two of this Ordinance, a person discriminates against a woman if, on the grounds of her sex, he treats her less favourably than he treats or would treat a man.

2560 This continues for another 73 sections over 97 pages but I am going to assume that was drafted by lawyers being paid by the word. Because the crux of it is right there, front and centre, section 1.1 in those 42 words. That Ordinance has already highlighted, I think it was Deputy Roffey, it may have been Deputy de Sausmarez, I think I may have got that wrong ... is the Sex Discrimination (Employment) (Guernsey) Ordinance of 2005 and I flag it just to ensure all Members are aware of what is currently in place and how clear the legislation is.

2565 For over 15 years, Guernsey has afforded women protection against sexual discrimination by virtue of that legislation, a fact referenced in one of the explanatory notes in the amendment itself. Obviously, for the sake of good order, I should add that section 2 of that Ordinance, speaks to sexual discrimination against men, which of course may happen. A copy can be found at gov.gg/employmentrelations just in case anyone has mislaid their copy.

2570 Sir, just to give some scale to the issue, because I think that is important here and here I am using the numbers provided to me by the Employment Relations Service locally. Since the legislation was enacted in 2005, 15 cases have been heard. This is their numbers, not mine. If anyone wants to check them, give them a call. Fifteen cases in 15 years. Of these, only a small percentage related solely to sexual discrimination, with the majority being unfair dismissal.

2575 That is one case for every 12 months. So I would say that the disincentive to discriminate, the Law has been pretty effective as it stands today. Of these cases, of these 15 cases, nine were actually upheld. That is nine cases of proven discrimination per our legislation in 15 years. So, sir, just having clarified the current position, I would like to add the Policy & Resources Committee's position on amendment 2, an amendment, by the way, seconded by Deputy de Sausmarez who, less than a week ago, in this room, admonished Deputy Gollop for not speaking to the relevant Committee before laying the amendment and yet no one contacted P&R about this amendment. Different rules for different people, I guess.

2580 This amendment seeks to hasten the Government Work Plan's proposed timeline for policy and legislative developments for equal pay for work of equal value and, importantly, ask for additional financial resource to do so. Just before I go on, I would like to re-emphasise some of the key points noted by Deputy Soulsby.

2590 We are not in boom time. We are in recovery mode, with financial and staff resources stretched by COVID, Brexit and business as usual. For some, perhaps many local businesses, too, the struggle is real. The Plan cannot deliver everything to all people in this political term. The reality is that several previously agreed initiatives have had to be shelved or canned entirely. This Plan has been carefully assembled to phase work as best as possible. Our policy and legislative experts – that is the last time I am saying that – will already be stretched to achieve what sits in the Plan today.

2595 So, sir, having established that Guernsey already has a perfectly good Law offering protection from sex discrimination, it begs the question as to why Deputies Roffey and de Sausmarez want to bring forward the policy work on this matter. We see, much talked about already, from Rule 4(3), the information within the amendment that is all about the costs. Although none are noted.

2600 Well, lawks and mercy, Deputy Roffey looking to save money. Of course, what it means in reality, is lower costs later, but higher costs now. Costs that have not been scheduled out. At a time when resources are stretched. We do not have the policy and legislative resources to do this work without pausing another piece of work. Deputy Soulsby has already alluded to this, Deputy Helyar has alluded to this.

In fact, this is acknowledged in the amendment as the amendment would:

... direct the Policy & Resources Committee to ensure that the Committee for Employment & Social Security is provided with sufficient resource, through its annual budgets ... to deliver the remaining policy and drafting work ...

2605 It could just as easily have read 'so we can jump the queue'. So, back to the reasons. It is a money-saver. It is just about the costs and nothing else. No story, nothing to see here. Everyone move along. But as the saying goes, beware those that come bearing gifts. For, in another line from the amendment, which no one has mentioned yet and no one has either noted – and I missed it first time around – once this policy work has been completed, and I am reading from the amendment, which as I have said would mean they jumped the queue:...

2610 ... the Committee will consider whether or not to recommend introducing the right to claim equal pay for work of equal value on the grounds of sex ...

2615 Suddenly, it is not just a timing issue of doing the policy work. It is important to note the slight but key difference. Not equal pay for equal work, but rather equal pay for work of equal value on the grounds of sex. That is a whole different animal. So it states the Committee will consider it. You know what, if I were a gambling man, I would have a fiver on the outcome of that Committee meeting right now.

2620 Sir, that part of the amendment is not about saving money in the future, that is all about sidestepping the proposals in the Plan that this be deferred until next term. Especially confusing to me is this is from an extant Resolution. The Assembly knows that Deputy Roffey is the king of championing extant Resolutions but now this one we should not stick to, we should do it quicker. Again, let us jump the queue.

If passed, this amendment will require additional funding this term and it will not provide sufficient time to carry out the additional work, which may change the requirements of any policy work on equal pay for work of equal value, including understanding the impact of Phase 1, which I think Deputy Roffey mentioned, of the discrimination Ordinance and the ability to undertake a proper, economic impact assessment, which somebody raised, I beg your pardon, I cannot remember who it was, to begin to understand the financial impacts on the States and the local businesses, which I am advised by officers will take anywhere between six-18 months for that economic impact assessment.

Our absent colleague, Deputy Trott, has previously spoken of the enormous sums involved, which I am assured were not scribbled on the back of a cigarette packet. I am not going to try and second guess the numbers but, suffice to say, they will be big and they will be ugly.

Deputy Roffey sells us the idea that equal pay for equal work and equal pay for equal pay for work of equal value are inter-linked. They really are not. As I noted earlier they are different animals and very distinct.

At the start I noted the situation of equal pay for equal work and in fact Deputy de Sausmarez has mentioned this in her speech that a degree of equal pay for work of equal value already exists in the International Covenant on Economic, Social and Cultural Rights, that was extended to Guernsey in 1976. As a signatory to that, the States of Guernsey has recognised:

... the right of everyone to the enjoyment of just and favourable conditions of work, which ensure in particular fair wages and equal remuneration for work of equal value, without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

Nothing takes away from the fact that this is an emotive subject. I understand that and it is well understood. Sir, to close, whilst the Committee supports the advancement of the legislation in general, neither the States, as by far and away the Island's largest employer, nor in fact the local economy, is in a position to develop this new policy for equal pay for work of equal value at this time. We simply cannot tackle everything at once and, here we go again, over-promising and under-developing.

When it arrives, which it will, the discrimination legislation will represent a significant change for the community and local businesses and we need to balance the needs of Islanders with the need of the economy that sustains us all. Phase 1 is set to begin in late 2022 and will eventually bring a raft of changes around the protected grounds of disability, race, sexual orientation, carer status, religion or belief, but not sex because that is already unlawful.

For now, we must focus our limited financial and human resources, on those initiatives that will help the Island recover in a way that is most cost-effective and those are the initiatives already outlined in this Government Work Plan. That is why, through you sir, I urge the Assembly to vote against this amendment 2.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I shall be brief. I have really just got a couple of questions that perhaps Deputy Roffey could address when he responds to the debate. These really arise I think principally from Deputy de Sausmarez's speech, which I thought very helpfully explained the Committee's position that it would be difficult to bifurcate the work, the policy work, on the sex ground of discrimination from this piece of work on equal pay for work of equal value.

It is really trying to understand what the implications of that would be, of being unable to separate the two. Does it mean that in effect the Committee would be unable to do that work on the sex ground, effectively, or does it mean that in effect it would just have to do it anyway. So, really, just trying to drill down and follow-through the implications of what Deputy de Sausmarez was telling us when she spoke.

Really, flowing on from that, I think is understanding what the cost implications would be of not doing the policy work now. Again, understanding that it is difficult to separate the two out, how

2670 would that impact costs for the States, in seeking to do it later? Is it going to be more expensive to have to repeat later, if indeed it can be done later? Those are the two questions, which I think arise out of what I thought from Deputy de Sausmarez was a helpful explanation of the challenges in trying to separate out the policy work that flows from the Discrimination Law.

2675 **The Bailiff:** Deputy Haskins.

Deputy Haskins: Thank you, sir. So, if and assuming this amendment is only about the timings, then I would remind Members there are many items on various Committees' to-do lists that were prioritised. Some, to the end of that list. Notwithstanding that the list needs to be done by all
2680 Committees, all very valuable work, this Plan is about prioritisation. Some items may well be cheaper if you do them sooner rather than later. That is the case with many other parts of the mandates on many Committees and many Resolutions. Being on two Committees, I have done this and taken the opportunity to say that I do support the Government Work Plan.

What I would like Deputy Roffey to elaborate on in his summing up is why this amendment
2685 should be done over other items on every Committee's long to-do list and to include the financial benefits of doing so. Thank you.

The Bailiff: Deputy Moakes.

Deputy Moakes: Thank you, sir. I have one final question and it is to do with the timing but also the principle. When this research or the development work goes in, what is the Committee's intention? Is it to tell businesses what should be like for like, what is different, what is not different? Because, if that is the case, you remove all opportunity for businesses to hire people for specific jobs when you have shortages, because you have been told that that role is equal.

Let me give you some examples. We are short of builders at the moment, so if we had something like this, and builders got the same as plumbers, how would you put the price for a builder up? Coming up to the year 2000, there was a huge shortage of IT workers. They earned vast sums of money because they were required, but if they are compared to something else, how would you be able to do that? Thank you.

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The Bailiff: My understanding is that Deputy Mahoney was speaking on behalf of the Committee, so I will not turn to the Vice-President but instead turn to Deputy Roffey, as the proposer of the amendment, to reply to the debate on it.

Deputy Roffey: The speech from Deputy Mahoney was the official view of P&R? I find that quite frightening, but there we go. It has been the settled view of this Assembly for about 30 years now that we should, when the time is right, introduce legislation on equal pay for work of equal value. To say that in any way this amendment is trying to jump the queue on this particular item is absolutely perverse. This is an item that has nearly reached the front of the queue and been sent
2710 round to the back time after time.

A lot of people in this Assembly clearly do not like the idea of introducing it, you could tell the way the debate leaked around the seams away from the issue of the timing of looking at it, and you had to keep bringing it back to that, that actually they do not like the key Proposition. Well, that is fine. Well, it is not, actually, I think they are very badly misled and misguided but it is their democratic right to take that view.

Why, Deputy Inder said, are you even looking at this? Because the States have told us to look at it. It is not going away by putting it a bit further back. If people think it was a mistake of previous Assemblies to tell us to do this work, there should have been an amendment today, not to take this little bit out and put it into the next Assembly, but to say that it should not be done, 'We changed our mind, we do not want to have equal pay for work of equal value legislation any more, all of or predecessors for the last eight Assemblies have got it wrong.' That is fine. I can accept that. I can
2720

debate that. But that has not been put forward. What we are talking about is when is the most efficient time to do the work that this Assembly has told us to do and instructed us to do.

2725 I am going to try not to leak into replying to bits that really should not have been said in the first place but it might be slightly difficult at times, because there has been quite a lot of debate on the main thing. Deputy Blin said that he was interpreting this as not being able to do performance-related pay any more. That is completely wrong.

2730 This is not novel. We are not at the cutting edge. I suggest to him, through you sir, and anybody else that is worried about these strange and weird aspects that they believe might be the case, just look at the case law, just look at the decisions that have been taken in lots of other places that have brought this in. Of course, you can reward good performance. That is not a question.

2735 He seemed to think that we would not need legislation. He may be right. That is not the debate today but his argument basically was that market forces would put it right. Well it has had hundreds and hundreds of years to do just that and so far it has not managed to do it without some state intervention and I will return to that when I get onto Deputy Mahoney's speech.

2740 Now, Deputy Dudley-Owen said how much would this cost and I think Deputy Ferbrache wanted that figure. I have to say I think I find it hard to take lessons from the President of P&R wanting to know to the nearest penny how much this is going to cost ESS to do when that same letter that he regards as a magically objective letter compared to anybody else's, from P&R, used £10 million for the secondary school review as the benchmark to how much it might cost to do a primary school review.

2745 I am afraid, I love P&R, lovely people, but just because a letter comes from P&R does not mean that is the official bit and everything else is wrong. The honest answer to the nearest penny, I do not know. What value do you put on the hours of the policy officer inside that is doing it? What, we have not yet decided –

Deputy Dudley-Owen: Point of correction, sir.

2750 **The Bailiff:** Point of correction, Deputy Dudley-Owen.

Deputy Dudley-Owen: Deputy Roffey is implying or has said that the letter from P&R states that the review will cost £10 million for the primary review. The letter actually says:

... the ongoing review of secondary education, which has required considerable funding, £10 million-plus, consultation and officer political time ...

2755 That £10 million-plus refers to the figure that I stated in last week's debate, which was £10.67 million from 2013, spent on secondary reviews. Not the cost of a primary review that we might undertake during this term, which has been successfully defeated.

The Bailiff: Deputy Roffey to continue.

2760 **Deputy Roffey:** I never for one second suggested that it might be. What I said is that actually using that as the benchmark to guide the likely cost of a primary review was so away with the fairies that I was not going to take any lessons on being able to give the exact sum.

2765 We are talking about 2023-24 this work will be done. I do not know. I may not be President of ESS then. I do not know exactly what adverts we are going to take in the *Press* in order to get the consultation. The one thing that I can tell you is doing this at one going is going to be an awful lot cheaper than basically repeating a very similar exercise, look at all the sex ground apart from equal pay for work of equal value and then, early in the next Assembly, do that, which will replicate a lot of that.

2770 Some Deputies seem to think that what matters to the taxpayers is a hermetically sealed cost between two elections. It does not. What matters to the taxpayers is how much they are going to have to shell out in total on doing a task. Doing some of it in this Assembly and then repeating a

very similar exercise on a very slightly different note in the next Assembly, overall, is obviously going to cost considerably more.

2775 I know we are all obsessed with the Government Work Plan. The Government Work Plan says from this date to that date. That is not where it all counts. It is how much we spend altogether in doing a task as an Assembly.

2780 Now, Deputy Le Tocq said that the primary argument for equal pay for work of equal value was that it was needed to sign up to CEDAW. No, I wish that not a single international agreement was needed, because people were doing the right things and on the other side we can sign up to every international agreement in the world and if we are not actually doing the stuff that it is supposed to promote then it is almost pointless. So yes, I do want to sign up to CEDAW and I wanted to sign up to CEDAW for decades, but I want to sign up to CEDAW because we have satisfied the various expectations under it.

2785 I have to say, it is a mystery to me, we are always told by the UK government, and continue to be told, as I understand it, where we are exploring what on earth is going on, that equal pay for work of equal value was a pre-requisite of that legislation. Jersey, as he has said, have signed up to it. It has been extended to them. They have no such legislation. It is baffling and we are looking into that but the point is signing for signing's sake is not the point. It is signing because you want it to have a practical impact on people's lives, not, 'Oh, we got away with that one. They overlooked it, so we can sign it.'

2790 Now Deputy Mahoney said it is not necessary, women have been protected since 2005 and, you know what, in that 15 years there have only been 15 cases. I was Chairman of the Equal Pay Investigation Committee that led, eventually, after quite a long hiatus, to the 2005 proposals coming in. Yes, if you are doing the same work as a male colleague, the same work, then you are protected and I am pleased that there have been so few applications to the panel because the legislation was always intended to be like a nuclear weapon. You do not have to use it. The fact that it is there means that people actually comply and do the right thing.

2800 The idea that was true before the legislation came in is absolutely not the case. I remember the groundwork we did on that committee. The Guernsey Growers' Association had a scale of pay for male employees and a scale of pay for female employees. The tourism and hospitality trade had a scale of pay for male employees and, for exactly the same jobs – yes they did – female employees had a totally different scale.

2805 It was only when the States started to say 'we are going to do something about this, this is no longer acceptable' – and I remember that debate: we did not need that legislation because we put our women on pedestals, apparently. I do not know why we put them on pedestals, but that was what I was told. They did not want equality, they wanted to be put on a pedestal. I think a vase looks better, myself, but there we go. In some cases, anyway! The point is it was only when the States intervened that some things started to happen.

2810 However, women have not enjoyed equal pay for work of equal value since 2005 and nor is Deputy Mahoney right when he quotes Deputy Trott about the huge cost. I am sorry, I have got to reply to things that were said that were wrong, even though they are a little bit away from the timing.

2815 The enormous cost that Kojima, I think it is Kojima, or is that the nuclear reprocessing company? Kojima flagged up to the States for equal pay for work of equal value was a general law or rule or policy of equal pay for work of equal value. It was not on the sex ground. For instance, one of the big costs was apparently that nurses were undervalued in comparison with clerical workers in the States.

2820 No such claim would be able to be brought under equal pay for work of equal value on the sex ground because the vast majority of nurses are female and actually a majority of clerical workers in the States of Guernsey are also female. So, it seems that the States has promised to bring in equal pay, not just on the sex ground but more generally, that is the expectation they have built. you talk to the RCN, they think they have been told by the States, as an employer that that is what we are

aiming for. It has got nothing to do with this Law. It goes much further than this Law and that is where the costs that Deputy Trott was talking about will come in. So I did need to correct that.

2825 Deputy Victoria Oliver: if we do this together will it delay? No, it will not, because we will look at the amendment carefully. Although the policy work should be done at the same time, and that is the logical time to do it, the reports will come separately, and that is made quite clear. Actually, this is not the major part of the policy work, as I have explained. There are other, far trickier parts of the policy work, which will cause delay because it will be on the cutting edge of the social debate that is going on.

2830 Deputy St Pier: could we carry on if we have to separate this out?
Oh go on, I will give way then.

2835 **Deputy Taylor:** I am very grateful to Deputy Roffey for giving way. It is only a little point that I cannot let slip. It is just the reference to nursing employees being on a similar level to clerical staff and them both being female. It is important to put on the record that nursing requires degree-level education, which must be before you get the job. If you want to talk about responsibility, if you make a mistake, you have someone's life in your hands and you could lose your pin, whereas a clerical level of similar pay within the organisation would not require anywhere near the same level of education.

2845 **Deputy Roffey:** I do not know whether Deputy Taylor signed up to be a nurses' champion at the time of the election but it sounds like he probably did and I absolutely agree with him. It is not this legislation that is going to cause the cost, it is the promises totally outwith this Law that have been made by the States as an employer to equalise those various pay spines they have got for different groups of workers and provide equal pay, irrespective of gender or sex.

2850 Deputy St Pier said could we carry on? Well, yes we could. I suppose we could. We could strip this out. It would definitely lead to duplication, would definitely lead to extra costs and I suspect it would be a really confused consultation exercise. We are going to go out to consultation on modernising all aspects, not just on pay it is all to do with every aspect of discrimination on the sex ground, with goods and services, employment, etc. The answers we are going to get back, a lot of them, will relate to what just about every other modern country has, I know Jersey do not, but every modern country does, which is equal pay for work of equal value.

2855 Then we are going to be able to say, thank you for that, it seems like a logical response from our consultation but actually, no, we are being told to be blinkered on that bit and look at that a bit later on. It is going to be a nonsensical approach, as far as I am concerned. But, of course, we are the servants of this Assembly. If they tell us to do it in that way, we will crack on and do our best to do just that.

2860 Deputy Haskins said what is it about this task that means it should be prioritised over everything that other Committees want to do. I could argue that, but the point is actually that I could almost understand if P&R had said consideration of the whole review of the current equal pay legislation should go back and be considered at the next Assembly. I would argue against it, but it is a valid view. It is the splitting of a bit of inter-locked work that makes no sense.

2865 It is not just about priorities, it should either be a priority for a cohesive bit of work or it should not and it should go back. But we are being told to do part of it now, part of it later. That is all we are saying makes no sense at all. I have to say, sir, there is a part of me, because I do, Deputy Mahoney's fibre is probably in the right place.

2870 I cannot speak for my fellow Committee Members ... cannot conceive of me not trying to make a case for us bringing in, I do not know the date, bringing in equal pay for work of equal value. I would quite like that proposal to come before a different Assembly to this one, so I would quite like to lose this amendment so that actually comes before the next Assembly rather than this one, but that is irresponsible!

I know that the effective and efficient way to do it is now. I know it has waited far too long. I know it has been States' policy for decades and I think this, a bit like in other areas and we will come

2875 into it on the next amendment as well I think, other areas of the GWP, reviews are being used to push things back and I think this is happening here.

You either want us to do this work or you do not. If you do, we will do it. If you do not, we will try and do it in the totally disorganised way that it will actually come out. Your choice. Sorry, not your choice, sir, but the Assembly's choice. Thank you.

2880

The Bailiff: Members of the States, we now come to the vote on amendment 2, proposed by Deputy Roffey and seconded by Deputy de Sausmarez. Those in favour; those against?

Members voted Contre.

2885

The Bailiff: I will declare that lost.

Deputy Queripel: A recorded vote, please, sir.

2890

The Bailiff: And there will now be a recorded vote to see. Greffier, please.

There was a recorded vote.

Not carried – Pour 18, Contre 19, Ne vote pas 0, Absent 2

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

2895 **The Bailiff:** Members of the States, the voting on amendment 2, proposed by Deputy Roffey and seconded by Deputy de Sausmarez, was as follows: there voted Pour 18, Contre 19, two Members were absent and that is why it was declared lost and is still declared lost.

2900 **The Bailiff:** Now, Members of the States, the next two amendments are on a similar topic and I understand that both Deputy Roffey and Deputy Soulsby, who are the proposers of the amendments are content that they are debated together. So what we will do is we will have Deputy Roffey speaking to amendment 1. It will be formally seconded. Deputy Soulsby will speak to amendment 12 and when we get to the end of the debate on both amendments together, we will move into the winding up phase for amendment 1 and then we will turn to amendment 12 second. That is the way it is going to be. So, Deputy Roffey to introduce amendment 1, please.

[Amendment 1](#)

In Proposition 19 at the end of the Proposition to add the following words "with the exceptions of items 1 and 2 in table 6.2 in Annex 6 (pages 216-219)".

2905 **Deputy Roffey:** Thank you, sir. This is going to cost millions and millions. Now, we have to do it because it is the right thing to do. I did not have to super-analyse it, it was just the right thing to do. It was the right thing to say that people of Guernsey, a community that my family have lived in for hundreds and hundreds of years should have the same rights as those who come from Rochdale or Rochester.

2910 And should have the same medicine as those who come from Rochdale and Rochester. So that was the point. I did not need to psycho-analyse it, I do not have to be philosophical. It was just the right thing to do. Not my words, the words of the President of Policy & Resources when he spoke on this early last year.

When it comes to matters of health, matters of life and death, matters which enable members of our community to be able to be more active for longer then I have to support that, swallow hard and we will have to find ways in which we can raise extra revenues necessary for this and indeed other health issues ...

2915 Not my words, the words of Deputy Le Tocq, Member of P&R.

So much of what Government does, whilst incredibly important, does not benefit our people directly. If this policy letter is approved we estimate over 3,000 people's lives may be made better. 1925 That is equivalent of, oh, say, theoretically two colleges of 1,500 students each. Is that not enough people to care about?

Ultimately and probably most importantly, given the last debate, supporting these proposals 1930 today will reduce inequality by making available drugs that are currently only available to those who can pay.

Our proposals are expected to help thousands of people – not a handful, thousands – who may live longer, may live in less pain or be able to live independently and productively for longer.

2920 The words of the then Health & Social Care President, now P&R lead on the Government Work Plan, Deputy Soulsby. I could do many more. One little, short one? Why not.

Fully supportive of it. We have to do it.

2925 The words of a then Member of P&R who is now the President of Health & Social Care. Sir, surrounded by wisdom up here and I really appreciate the fact that they have stated it in such graphic terms. So, what does this amendment seek to do? It seeks to maintain the decision taken by this Assembly last year, by a completely overwhelming majority, in fact with just one Member dissenting. Deputy Shane Langlois. I know he likes a name-check so I will give it to him. A decision, which was made after consideration of a well-informed and researched policy letter, brought by HSC, under the presidency of Deputy Soulsby.

2930 That policy letter, in turn, did not emerge from the ether, it was informed by an incredibly impressive piece of work carried out by real experts in the field. One the best pieces of work I think I have seen on a specific subject like this in my time in the States. Make no mistake, though, this amendment does not seek to end health rationing. There will always be health rationing. However emotive it may be, some people will always be denied the health care that they could benefit from because we simply cannot afford to do everything. That is a hard reality of life.

2935 Nor does this amendment even seek to fund all of the drugs, which have be licensed for use in the UK. That, too, would be completely unaffordable. What it does seek to do, over a reasonable timescale, is remove what I regard as the national disgrace of Guernsey being by far the most niggardly part of the British Isles when it comes to funding essential treatments for their seriously ill citizens.

2940 Make no mistake, sir, NICE technical appraisals are extremely rigorous. A team of leading experts do not just consider the efficacy of the treatments but also their cost-effectiveness. It is only when they tick both of those boxes that they are approved for funding and at that point, because the leading experts in the field have decided that those treatments are both effective and cost-effective, it becomes absolutely mandatory for local health authorities in the UK to fund them.

2945 There is no postcode lottery. Every UK citizen with a clinical need for those treatments, in the circumstances described, sometimes limited circumstances, by NICE will receive them and have

them funded and it is basically pretty much the same for citizens of both Jersey and the Isle of Man. And it used to be the same for Guernsey.

2950 But because of a wretched and wrong-headed policy, which was brought in at the time of the Financial Transformation Programme, Guernsey patients are now being denied some of these treatments, which are available to patients from the UK or the other Crown Dependencies, with absolutely identical conditions.

2955 These are treatments which can completely transform people's lives, both in terms of life expectancy and quality of life and I will return to that in a moment. All of that would be bad enough if Guernsey's Health Service was a standalone health service. But of course it is not. No community of 63,000 could possibly have its own discreet health service. So when it comes to serious illnesses requiring tertiary treatment, we use the Health Service in the UK, as does Jersey and the Isle of Man, obviously.

2960 So, what are the practical consequences of using UK hospitals but not matching UK funding in respect of medicines and treatments? Now I am going to take a single example but it is neither a hypothetical example, nor an isolated one. It is a real one, which is happening multiple times, day in and day out.

2965 A Guernsey person, could be one of our friends or one of our family, sadly develops cancer and requires tertiary treatment at Southampton General. They are in a four-bedded bay, if they are they are quite lucky I know, with three other people with identical conditions and prognoses. In the bed to the left is an English patient – there is a film there somewhere – the oncologist can prescribe them the drug that he or she thinks that they need.

2970 Exactly the same is true of the patient in the bed to the right because they are from Jersey. As for the bed opposite, I will not claim they are from the Isle of Man because they do not use Southampton General so instead we will say they are another Guernsey patient but in this case it is one with the right sort of health insurance. So all of those patients can get the standard treatment used by the oncologist concerned for their condition. The one which he or she deems to be most efficacious and which the greatest experts in the British Isles have also deemed to be cost-effective.

2975 There will only be one patient in that four-bedded bay who is denied the standard treatment and that will be the normal Guernsey patient, who has to be prescribed a less-effective drug because Guernsey will not fund the one that everybody else is getting.

2980 Maybe I am alone in thinking that that really is a complete scandal, but I do. I really do. So why is there not a much bigger outcry from patients and from their families and indeed from the clinicians concerned? I will tell you why, it is because it is usually, the clinicians know, but usually the patients themselves and their relatives simply do not know. Doctors are not cruel. They just get on and prescribe the medicines they are allowed to prescribe, because Guernsey will fund them.

They do not point out to seriously ill Guernsey patients that they would actually far prefer to be prescribing a different, more effective medicine but the States of Guernsey will not allow them to do it because they will not fund it.

2985 So protest hitherto has been muted by ignorance. But that veil of secrecy over the last couple of years is beginning to lift. People are beginning to understand just how this wretched system works and that is why we have started to see campaigns for equal treatment for Guernsey patients being established. Groups such as HEAL – Health Quality for All, I think – ably led by Mr Mike Reid. I am delighted that his own personal family's issue with the funding of drugs has actually been resolved, 2990 but I am delighted that he has stayed on as an articulate and powerful voice for others who now find themselves in that situation.

2995 Such campaigns are not going to go away. If we do not resolve this national disgrace, they will only grow and rightly so. But what about the specialists themselves, why are they not complaining about being emasculated in their prescribing possibilities when they treat Guernsey patients? Well they are, very professionally and very discreetly, as you would expect. But their frustration is palpable to anybody who will listen.

A year or two back, several leading consultants from Southampton General Hospital presented to the public at Les Cotils. Of course, they accepted that funding decisions lay with Guernsey's

elected Government – that is us. Of course, they accepted that. But they were urging us to try our best to expand our very limited list of drugs approved for funding to encompass more modern treatments.

They gave graphic examples of how these treatments can transform the prospects of the patients concerned, not only giving them years more life, but just as importantly, perhaps even more so, improving the quality of those lives. It was a very compelling and convincing argument for those who attended.

Sadly, although the Harry Bound Room was absolutely packed, out of States' Members, I think there were only three of us that were there. I know I was, I know Alderney Representative Roberts was and I think maybe Deputy Gollop was as well. Or am I just assuming he is there at every presentation that I go to?

Before finishing I want to concentrate briefly on two issues. Why the cost of drugs is only one side of the equation that we are considering here and why the longer and slower route map, under the Government Work Plan, simply does not cut the mustard and, I have to say, nor does the amendment that is to come but I am not sure if I refer to that in any way whether I will be on a point of order because it has not actually been laid yet. But is very difficult not to contrast and compare when the two are being debated alongside each other. So I am going to try and get away with that!

I will start with the second of those. The Government Work Plan does significantly slow down the rollout of NICE-TAs and more importantly it throws into doubt whether we will ever fund those with a cost above £30,000 per quality year of life added. Now the overwhelming decision, one dissenting Member, of this Assembly last year was that we would fund these approved treatments up to £40,000. We would get there in a phased way, admittedly, starting with those costing less than £30,000, but we had firmly committed to funding up to £40,000 and only then would we pause and review and decide if we wanted to go any further.

What is being suggested in the main Billet is now that the review should happen after we have funded treatments up to that £30k per quality year of life added. That really throws into doubt whether we will ever fund those drugs in the £30k-£40k price range. Now, not exclusively so, but overwhelmingly, these are modern cancer drugs. So we would be blatantly reneging on a promise made last year to some of our most vulnerable Islanders.

But it gets worse than that. Under the Government Work Plan, that review would not even happen until two years after the rollout of all of the drugs costing up to £30,000 per year of quality of life added had been completed. So that is not so much the prospect of kicking cans into the long grass as really kicking it over the horizon. Meanwhile sick Guernsey people continue to both suffer poor quality of life and, not to put too fine a point on it, to die because we will not fund the medicines that everywhere else in the British Isles will.

Now, a couple of years may not seem very much in the life of this Assembly. But I tell you what it is longer than the predicted lifespan of some of the people who are waiting to actually benefit from these treatments. So I think we need to bear that in mind.

The amendment that we are going to see laid improves that slightly. The review will take place – and I will support it, certainly, although not if mine has already been passed, obviously! As a backstop it is slightly less bad than the Government Work Plan as it is at the moment. We still do not know whether we will ever fund anything above £30,000 but the review to make that decision will take place one year after that regime up to £30,000 is put in place, rather than two years. But it is still a huge difference from saying that we would actually plough on, funding up to £40,000 and then review. Totally different. The main point is still left outstanding.

So, let us talk about costs. Of course these drugs are expensive. But there is another side to that equation. One of the biggest things holding back Guernsey's economy at the moment is skill shortages. One of the striking characteristics of this new generation of drugs is the way that they very often allow those with a range of conditions, cancer in particular, to have the quality of life required to continue working, to continue generating revenue, for our Government and for our society and continue to be self-supporting, rather than staying at home on disability benefit.

3050 I know, to his credit, not everybody wants publicity, one graphic example in the local media has
been an Aurigny pilot who, when he fell ill, was really lucky that he was covered by the right sort of
private health insurance. As a result, he was able to get the treatment that his consultant wanted to
prescribe and came back to work flying planes on behalf of this community. I actually saw him on
the flight back from Alderney last night, looking well. It was great to see. He is not alone in saying
3055 that if he was still here he would certainly be in a very different condition if he had not been lucky
enough to have that private insurance.

There are hundreds of people like that, that we will allow to continue to contribute. Of course I
am not suggesting that those sorts of savings and those sorts of payments into Social Security and
Income Tax will balance out the cost of NICE drugs. Nowhere near. Absolutely not. But there will
3060 still be a net cost, probably several millions of pounds a year. So, where is that cash to come from?

Sir, I do not think, I know, listening to Deputy Mahoney earlier this afternoon he thinks I just like
to spend all over the place. I do not. I think I have got a track record of looking for savings wherever
I can and trying to drive down costs wherever I can. There is almost no other subject that I would
actually say this on, but I actually agree with Deputy Le Tocq. It is not the only issue on which I agree
3065 with Deputy Le Tocq but I agree with what he said those short months ago. We simply have to raise
that cash. We simply have to breathe deep and raise that cash because not funding these basic
medicines, available to everybody else around us and who are sharing the same tertiary health
system, as us is not an option. It is not an option.

There will still be many potential life-saving treatments we will not be able to afford. There always
will be. But NICE-approved treatments are another kettle of fish. Because these are treatments
3070 universally funded elsewhere in the British Isles and that Guernsey is unique in refusing to provide
them to our citizens.

I have been criticised for saying it and that only encourages me, so I will say it again. This situation
is a national disgrace and it cannot go on. I thought we had found – and I congratulated HSC at the
3075 time – a sensible, phased path out of a very dark place, where we had put ourselves, and I am truly
shocked that the Government Work Plan goes back on that decision. Please do not do that. Vote
for this amendment.

The Bailiff: Deputy Queripel, do you formally second amendment 1?

3080 **Deputy Queripel:** I do, sir.

The Bailiff: Thank you very much. Deputy Soulsby next to introduce amendment 12, please.

Amendment 12

To insert the following Propositions immediately after Proposition 19:-

*"19A. To direct that the Committee for Health & Social Care completes the full implementation of
NICE TAs with an ICER up to £30,000 as resourced in the Government Work Plan and funded in
the Funding & Investment Plan, with a review to take place after a full year of this policy being
fully operational which it is anticipated would result in the review commencing no later than by
the end of 2022.*

*19B. To direct the Policy & Resources Committee to make the relevant resourcing and phasing
adjustments to actions in the Government Work Plan to accommodate the above, minimising the
impact as far as possible on other actions.. 19C. To direct that the Committee for Health & Social
Care publish the review within four months of the review being finalised and, together with the
Policy & Resources Committee, report to the States through the review of the Government Work
Plan on the further implementation of NICE TAs with an ICER up to £40,000 to be further informed
by the outcomes of this review.*

3085 **Deputy Soulsby:** Thank you, sir. This is really difficult for me. As President of the Committee for
Health & Social Care, as said in that opening speech, Deputy Roffey has reminded everybody just

now I led the policy letter on NICE drugs through the previous States. However, that was pre-pandemic. A month before the pandemic, in actual fact.

Not only have we had to spend over £50 million more than we expected at the beginning of 2020 but the effect of two lockdowns has had a considerable impact both on waiting times and Islanders' mental health. You will say, why is that relevant? Well, when the policy letter was approved, there was no sustainable funding source. Instead, it was agreed to take two years of the full cost of providing NICE drugs from the Health Service Fund. That is also the fund used to pay for the additional cost to bring down waiting times.

Back in 29, as a consequence of an orthopaedic consultant leaving and before two were appointed, together with growing demand, orthopaedic waiting times had risen to unacceptable levels and this was addressed with the development of business cases to seek additional temporary resources from the general revenue reserve to reduce waiting times to within policy limits.

However, that was nothing compared with where we are now. Considerably more funding would be needed now, given the position we are in with delayed surgeries and treatments, and the fact it is a sellers' market, with the NHS being in a far worse position than we are and needing to use the private sector to help it out.

Deputy Roffey spoke about people waiting for drugs and it is reminiscent of his speeches last time and yes it is, it is an emotive case and people are waiting for drugs. But you can look throughout the Health Service for people waiting for treatment they need and then there are many more people waiting for hip and knee operations. Those people who cannot work because of that and who therefore are not earning money and contributing their taxes to pay for the drugs and treatments.

A considerable amount of work went into the review of drugs and treatments and the resultant report by Solutions for Public Health is, and I totally agree with Deputy Roffey, one of the best I have seen produced for a States' Committee. I have it here, indeed. It is a very technical report, it really is. Lots of pluses and minuses and lots of numbers and spreadsheets and I poked my head in when I saw them working on it during the time and it is rigorous, an absolutely rigorous report.

But it also included considerable input from local consultants, led by who else but Dr Brink – she pops up everywhere doesn't she? I should make it clear, though, that the recommendation in the review was not to bring NICE drugs up to a QALY, that means a quality-adjusted life year, of £40,000 and review at the end of the second year.

What the review did demonstrate was, if we were to bring in NICE drugs, we should do so on the basis of their cost-effectiveness and that is determined, and this is where it really does get technical and I think it is really important people do try and understand the technical aspects of this rather than just go for the emotive side of things because it is very easy to get sucked into the emotion and not look at the facts and the figures and the technical aspects of this.

What they say is that is determined by what is called the ICER, the incremental cost-effectiveness ratio, and it should be noted here that we are not talking about cost of those drugs, specifically we are not saying drugs costing over £40,000 but the incremental cost-effectiveness ratio. The amount of money needed to be spent to achieve one additional quality adjusted life year with one medicine, compared with another.

The higher an intervention's ICER, the less cost-effective it is and the appetite for this needs to take into account that context. We are not talking about the cost of the drugs, as I say again, but their effectiveness. A very cheap treatment may have a high ICER as it really does not make much of a difference, it is not really very effective, but a very expensive treatment, hundreds of thousands of pounds, a liver replacement for example, or a very expensive drug, can have a far lower ICER, could be well below £30,000, in fact tens of thousands, could be £2,000, less than that, as they make such a considerable difference.

None of this is about the base cost of the drug, just to make sure everybody understands that, but its cost-effectiveness. Now, the previous Committee decided it would go to drugs with an ICER of £40,000 and then do a review, only because those drugs with an ICER at that level would require

substantial changes to the fabric of the Hospital and that such changes could fit in with the Hospital modernisation and planning.

3140 What the review did show, though, was that introducing drugs with an ICER between £30,000 and £40,000 was estimated to cost an extra over £3 million. We are saying that, given the situation we are now in, the review that was originally intended to be undertaken once drugs with an ICER of £40,000 were brought in should instead happen only for those only up to £30,000.

3145 We have to be aware that when arguments are made, such as Deputy Roffey used last term and I was expecting him to use it again and he did, in his opening speech, about someone sitting in a bed in Southampton who comes from Guernsey getting a different drug from someone from the UK, you need to remember that this is not true across the UK, where there really is a postcode lottery and if an NHS trust cannot afford the drugs, they do not provide them. It also means that a person from the UK in that bed who is too frail to live at home any more and has to go into care
3150 will have to sell their house and pay all their earnings up to £24,000 on social care. A truly Cinderella service in the UK and on its knees.

It is easy to look at things in isolation but we need to look holistically and look at the big picture. There is always give and take everywhere. So, the example of comparing a Guernsey person with a UK person needs to be seen in that context and the whole issue of affordability was addressed in
3155 the report by Solutions for Public Health and I will read that section now. It says:

Currently NICE uses an upper limit or threshold of £30,000 per QALY to gauge whether the health benefits offered by a new drug are greater than the health likely to be lost because the additional resources required are not available to offer effective treatments to other NHS payments.

So please note it is £30,000 not £40,000.

It should be noted that NICE has never formally identified a firm cut-off ICER above which intervention should not be recommended and below which they should. Despite this the NICE social values judgement states that in general interventions with an ICER of less than £20,000 per QALY gained are considered to be cost-effective. The most plausible ICER is above £30,000 per QALY gained. Advisory bodies will need to make an increasingly stronger case for supporting the intervention as effective use of NHS resources.

It goes on to say:

3160 There is no evidence to suggest that NICE indicative ICER ceilings can be adopted by the NHS in England without incurring opportunity costs for other services.

The authors quote Claxton et al, 2015:

The authors found that the threshold used by NICE would need to be approximately £13,000 per QALY if opportunity costs for other patients were to be avoided. The research showed that the approval of a new drug that costs the NHS in England an additional £10 million each year would offer benefits of 333 QALYs. This would also result in the loss of 733 QALYs for other NHS patients with increased mortality in cancer, circulatory, respiratory or gastro-intestinal diseases and reduce quality of life in neurological diseases and mental health.

I also think it is important that Members know that the suggestion to review before introducing drugs with an ICER between £30,000 and £40,000 came from officers at HSC. It is not something
3165 that was dreamed up by Policy & Resources. And by that I do not mean generally civil servants but clinical experts.

The ICER cost for a knee operation is much lower than £30,000. There are far more hips you can repair for much less too. More people will benefit. These are the hard decisions that have to be made with a finite budget and this is one reason why the recommendation was set out as in the
3170 policy letter.

I think it is also worth picking up on something the current HSC President, Deputy Brouard, who was then on P&R, real reversals, said during the last debate. I know we have spoken on this and I know he stands by this. He asked me this during the debate:

What is of equal need or greater priority that is coming down the tracks in health that she can see already because we have got some idea of this but I know there are terrific pressures on other priorities, which health would almost prioritise ahead of, if they could, of everything. So some idea of the mental health issues and some of the areas where we need to spend some money would give us a little more of an overall picture of what we are going to be looking at. We have got to try to look at these things holistically and in combination and not be picked off and this is the first one, which we are almost being picked off by.

3175 Remember, this was before COVID and how prescient that comment was. Eighteen months later we are still managing a virus that we did not even know the name of back when we were debating the policy letter. The requête that led to the policy letter did mean that resources could not be focused on primary care, which was a higher priority, did mean that we were unable to move on the pilot mental health centre. Now, we know there are urgent matters requiring resources that we were
3180 not aware of back in January last year. All this at a time when we are still managing COVID.

None of this is easy. It does make more sense in our current circumstances to do the review before moving to more expensive, less cost-effective drugs. That is why the recommendation was as it was set out in the Plan. However, Policy & Resources Committee have listened and we do hear what campaigners have said.

3185 Our amendment eases any concerns about the commitment to NICE drugs and treatments with an ICER of up to £30,000. They are already funded. The Chief Pharmacist reports this is nearly 70% complete against the current TA list. That is 404 out of 581 TAs. Remember, the list is forever increasing.

Also, 50 additional drugs are now available; 25 added in February, nine in March, three in April
3190 and a further seven last month. Each one required a rebate agreement to be negotiated, as well. What is in our amendment, indeed as is set out in the Plan, is not a review of the original review but as originally planned, as set out in the original policy letter last year, terms of reference that evaluate the clinical benefits in the context of the day.

Remember, the review the Assembly considered demonstrated that if we were to bring in NICE
3195 drugs, we should do so on the basis of their cost-effectiveness. That is a new data this Assembly will receive as part of the review, given the work to implement this policy as swiftly as possible after recruiting a new Chief Pharmacist.

As a minimum, Members will have a full year but, as I have set out, considerably greater data will be available as nearly half of those 52 drugs added were available from February 2021. Meanwhile,
3200 the NICE-TAs with an ICER up to £30,000 are being maintained. I have to say that. There is no increase in disparity or growing gap, as some may have you believe. The 70% implemented during a pandemic and compounded by Brexit, we need to commend the staff of the health services and continue to listen to them on how best to provide the most urgently needed care in today's context.

I wish we were not here, but we really cannot ignore what has happened over the last 18 months
3205 and I therefore ask Members to support P&R's pragmatic solution. By doing so you will be maintaining the NICE-TA regime, at ICER value up to £30,000, and will be fully informed on its benefits, costs and future options with real Guernsey data. Members will by then have made decisions about how to increase Government revenues to meet the annual costs the Assembly has already agreed and therefore can weigh up the next steps.

Meanwhile, you will have preserved funding for the surgeries and treatments building up as a
3210 consequence of COVID, within an overheated medical marketplace, which are going to be expensive to clear. So, in closing, I really must reiterate, P&R are not stopping the current policy. We are not. The policy is continuing, the drugs are being introduced. The most cost-effective drugs and treatments are being introduced.

3215 All we are saying is, given where we are, the other issues that we need to deal with, the fact that we do not actually have a sustainable source of funding, the review and which we are bringing forward within this amendment, should be done after bringing all drugs with an ICER of over £30,000. I ask Members to reject Deputy Roffey's amendment and instead support this one from Policy & Resources.

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The Bailiff: Deputy Ferbrache, do you formally second that?

Deputy Ferbrache: I do, sir.

3225 **The Bailiff:** Thank you very much. Now, who wishes to speak in debate on these two amendments? Deputy Prow.

3230 **Deputy Prow:** Thank you, Mr Bailiff. My original speech was actually to support amendment 1. However, sir, I am now torn between this amendment and the P&R compromise amendment 12. I do understand the logic it displays. If I could first speak to amendment 1, I note the explanatory note, which explains this amendment and I like its simplicity in the explanatory note, it seeks to:

... stick to the extant States' resolutions on funding NICE (National Institute for Health and Care Excellence) TAs (Technological Appraisals).

3235 As I recently said in the Assembly, in the last States' Meeting, I was proud to be a Member of the HSC team last year and I was therefore partly instrumental with that Committee for a review of available drugs, which was included as part of the Partnership of Purpose presented to the Assembly by HSC and approved unanimously.

3240 Following that letter, HSC took a further policy letter, and this has been alluded to by Deputy Soulsby, entitled *A Review of the Funding of Drugs, Treatments and Devices*. This was following the consideration of a technical appraisal from the National Institute of Health Care Excellence and I agree with Deputy Soulsby about the quality of it and not only that, it was a very technical report and the clarity of the explanations and the presentations that were put around that.

May I refer to section 3.54 of the report because I think this is important. It says:

Long-term possession of late or never adoption of newer, effective interventions will not only affect patients but will also have an indirect adverse effect on the ability of clinical staff to be able to maintain their professional standards or for doctors to take full clinical responsibility for prescribing older treatments.

3245 I fully support and understand Policy & Resources, in fact applaud them for producing the Government Work Plan we have before us, which is designed to prioritise both work resources and funding to meet the extraordinary situation this Island and Alderney faces and, in particular in this case, for providing us with a compromise option. In looking at that explanatory note, I am attracted to where it points out the:

amendment adjusts the timing of the review by bringing it forward by one year. This approach has several benefits, including:

Reducing the period of uncertainty for clinicians and their patients seeking NICE-TAs and providing greater clarity for the public; and

Providing an opportunity to further explore the clinical view that increasing the ICER threshold from £30,000 to £40,000 may not provide the greatest possible health-gain or QALY;

3250 It goes on and I will just quote one sentence from the paragraph below:

... this will provide for only 12 months of empirical operational data which has not been distorted by the impacts of COVID lockdowns and the delayed implementation of the first year of NICE-TAs

3255 Sir, I get that, and I understand that. What has been evidenced, that there is a very real disparity and inequity within our health provision, and Deputy Roffey has alluded to this, where sub-optimal treatments and poorer outcomes are a reality for many, unable to afford private health insurance. I see nothing has changed and I would argue that, for a Government in recovery mode, it is actually even more pertinent, whilst I fully acknowledge and support the treatments with an incremental ration of up to £30,000 value will remain, and I note and thank HSC that implementation has recently begun.

However, I cannot support the rescinding of the existing extant Resolutions as described at 1 and 2 of Table 6.2 in the policy letter. The question for me is which amendment option do I go for? So my position is that I cannot live with the Government Work Plan's original Proposition on this. In summary, the case is for me still completely made out and should be part of HSC's contribution to the Government Work Plan approach to recovery and is a critical action to be completed by Government.

But again, sir, I am torn between this amendment 1 and the compromise amendment 12 and I will listen very carefully to the debate as it goes on. I would just like to endorse the comments made by Deputy Roffey concerning the input of the organisation HEAL. I met with them as a Member of HSC and the way they conducted themselves and in particular Mike Reid, who led with that. So, all I can do, I think, is to urge the Assembly not to renege on its commitment to NICE-TAs as already in progress. Thank you, sir.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir. I am slightly like Deputy Prow inasmuch as when I first saw amendment 1, I was going to vote for it, and then when I saw amendment 12, I was a little bit more confused. But one thing I will say on this is, actually, sir ... Sorry, I have to declare an interest first. I might benefit from the drugs. Well, I do benefit from the drugs that are now there.

Anyway, one of the things that I was going to say is that drug prices are just going up and up and if you take one of the drugs that I take, five years ago, it used to be 70p per tablet. It is now £77 per tablet. You just think that, yes, I do agree Deputy Roffey says the Government should not be taking people's lives in their hands by not voting for this but I also think drug companies also have a hell of a lot to say when they know they produce this drug and it costs so much money.

I just think that sometimes governments need to do more on the drugs that are produced, to try and make them cheaper, so they are more affordable for the individual, that could potentially be life-saving. I still do not know which way I am going to vote, but I will listen very carefully to the rest of the debate. But I just did want to say that.

The Bailiff: Deputy McKenna.

Deputy McKenna: Thank you, sir. As regards amendment 1 with Deputy Roffey, I actually agree with every word that he said because it brings me back to September, when I think all of us were on Radio Guernsey being interviewed and I do not think there was any one of us who did not vote the NICE drugs.

I never really like the word NICE drugs, because the gentleman I was sitting next to, he was asked the question should people in Guernsey have NICE drugs, he said, 'Yes, they should have nice drugs, nice cars and nice houses!' That is where we lose that, the National Institute for Health and Care Excellence, which was set up by the UK government back in 1999 and that institute, they do not regulate the drugs, it is the MHRA – the Medical Health Review Authority. We agreed on Radio Guernsey at the time that we felt that it did not matter what the cost was, what was the value to our community. What price do we put on a life?

So, when Deputy Oliver says about the increase of her tablet to £77, when it comes to the value of a life, I do not think that really comes into the equation at all. I think we have to find the money to do this. So, the National Institute, they do not regulate the drugs, it is the MHRA and they set out the care services that they think are suitable for the community and what they need for the healthcare providers.

Now, under the list on the white label drugs, it includes for lung cancer and sarcoma, and sarcoma is a rare form of cancer that affects all the body organs and even without this you are talking weeks with the white label NICE drugs as Deputy Roffey said. You are looking at extension of life from a year to two years. Now, that is when it hits home. If you have got a loved one that is

3310 looking at the end of life and you know by taking that drug you get an extra year or two with them. All I am hearing is costs and statistics and I am asking you is look at the value.

I understand Policy & Resources have got to find money and I hope this is not going off on a tangent too much but when I hear that the Hospital extension is coming in at £130 million and yet my good friends from Rihoy and Sons, Gavin and Jeremy, said they built the Premier Inn, a 100-
3315 bedroom hotel with restaurants, leisure facilities, with offices and a multi-storey car park, for £26 million, you could not fit that in the Hospital extension.

You cannot tell me there is over £100 million worth of medical diagnostic equipment that needs to go into it. So, what I am saying is maybe we should just start looking at the infrastructure that we are putting in, the money that the States is wasting and, all of a sudden, an extra £1 million or
3320 £2 million on the National Institute of Care health drugs looks very small. So for Deputy Roffey on amendment 1, I am very grateful that you spoke so eloquently on the subject. I always get a little bit emotional when it comes to life and death, I think there is no price you should ever put on it, so I will be voting with all my heart on amendment 1.

3325 **The Bailiff:** Well, if nobody is going to stand up, it will be the end of the debate. Deputy Gollop.

Deputy Gollop: It would be the end of the debate or maybe we should try to get through the amendments a bit quicker. But I thought that this amendment, possibly, would be the main event of all the amendments because I think it is a life and death amendment and it is probably the topic
3330 of the last few weeks, linked to the Government Work Plan, that has engaged public attention the most.

Indeed it was true in the last Assembly that there were sometimes exchanges, both official and unofficial in the Assembly, along the lines Deputy McKenna has caught the spirit of, that you cannot compare rational statistics against some of the life and death issues and somehow you need to find
3335 your way through this and find savings elsewhere.

I am fundamentally a supporter of amendment 1. In fact I would probably, ideally, go even further, because I think that we really need, where possible, parity with England and Wales on NICE drugs and perhaps even going to the Scottish level, which I think is sometimes more generous. We had in the previous Assembly dialogue with the Isle of Man. Of course, the Isle of Man have a
3340 different financial tax basis and you cannot entirely distance yourself from one and the other but I think we are in danger of falling behind in a way that is actually morally and ethically unacceptable and creates division in our society and heart-wrenching stories that we do not necessarily need.

Because when local media, television outlets put across real stories of people who have been denied the medicine or help that they need that does not entirely reflect well on us as a community.
3345 I will also vote for the Deputy Soulsby amendment but it is, of course, second best to Deputy Roffey and it is better than just following the Government Work Plan but it effectively is more measured and creates, I think, further delay and higher barriers.

I accept that drugs treatments and devices are part of the National Institute for Health and Care Excellence-Technology Appraisal process and incremental cost-effectiveness ratios are a dry
3350 statistic used to summarise the cost-effectiveness. But clearly we want evidence sooner or later of the usefulness of a £40,000 gap rather than just a £30,000 and we do need to reduce the period of uncertainty for clinicians and their patients and provide an opportunity to further explore the clinical view that increasing the ICER threshold from £30,000 to £40,000 may or may not provide the greatest possible health gain or quality adjusted life year.

But I feel, and probably Deputy Roffey will comment on this because I remember what he said in a previous debate, that it is curious that Guernsey is reinventing the wheel here. Because if I could make two further arguments, we heard in the important abortion debate that one of the strongest reasons and why the States, by a fair majority, supported the England and Wales Law at 24 weeks was that we do need parity with England and Wales, partly because our professionals are generally
3360 trained in England and Wales and worked there as well and we use English hospitals. So, you had

an equivalence there. Here, Guernsey is doing things differently. So, what is the justification for Guernsey having a different way of looking at these things?

And my second argument that I hope does not offend anyone but is nevertheless a point that we have spent much of the last 18 months rightly protecting our society from the worst effect of COVID and Coronavirus and we have been protecting the vulnerable, particularly, with one of the severest lockdown regimes in the western world and that has been to ensure the safety of people, especially the elderly, especially perhaps those with underlying health conditions and that has come at a cost of probably over £100 million to our economy.

We have made that sacrifice, both in terms of public revenues and private commercial gain, and really we should apply the same logic, where we went further than many other countries and jurisdictions in perhaps curtailing certain freedoms for the common good when it comes to life-changing medicine. I cannot see why we take the view that we should have a lower standard than some other places, when it comes to NICE drugs, but have enhanced standards in others. So, although I applaud the Deputy Soulsby/Deputy Ferbrache amendment, I will support, unless I hear evidence to the contrary, the Deputy Roffey/Queripel amendment as my first choice.

The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, thank you. I am speaking in favour of the Roffey and Queripel amendment because it is the best way forward and so much better than the Soulsby and Ferbrache amendment. It is a lot more proactive. That is all I really need to say on the Soulsby and Ferbrache amendment because that absolutely nails the issue in my opinion.

I can only hope that aspect alone is enough to persuade Deputies Oliver and Prow to vote in favour of the Roffey and Queripel amendment, seeing as they said they were undecided which way to go when they spoke.

As I said in an earlier speech, the duty of any Government is to ensure the wellbeing of its people. Surely a major objective of this Government is to improve the quality of life of Islanders. I suspect, obviously I do not know because I have not spoken to all of them, if you ask most people of the world what was at the top of their list, all things taken into consideration, I suspect they would say their health and the health of their family members and loved ones. They want to be in the best of health and they would want their family members and loved ones to be in the best of health and, should they become ill, they would want the best drugs around to be made available to them and their loved ones.

Sir, along with Deputy Roffey and Deputy Ferbrache from this current Assembly, I was one of the seven signatories on the drug-funding requête the previous Assembly debated back in December 2018. The remaining signatories were former Deputies Merrett, Brehaut, Smithies and my brother Laurie. The reason I signed that requête was summarised perfectly in one of the paragraphs in the requête, which read as follows:

Your petitioners regard it as perverse and politically and ethically unsustainable that, having referred Guernsey patients to the UK for treatment or consultation, they are then denied the same range of treatment options available to all of the other patients in the same hospitals.

I have to say that I find it quite perverse that Deputy Roffey and I have even had to lay this amendment, to be honest. The purpose of the amendment, as we are told in the explanatory note, is to stick to the extant Resolutions on funding NICE and, as we are also told in the explanatory note, the key difference between the original Resolutions and the Propositions from the GWP is when to carry out the review of the future funding ceiling for such treatments.

Now, sir, there has been a lot of focus today in debate on Rule 4(3). My colleagues will have all read the Rule 4(3) information laid out in this amendment. But there will be people listening on the radio and out in the community who are not aware of that information. I just want to spend a moment relaying what is said in relation to Rule 4(3) in this amendment and this is absolutely key to the whole issue.

This amendment may add considerably to the cost of Guernsey's drugs bill over the next few years compared to the proposals in the GWP but will not represent an increase over the level of spending already approved by the States under the extant Resolutions which it seeks to maintain.

3410 The crucial line in that paragraph, I am going to repeat. I really do think it needs to be repeated. This amendment will 'not represent an increase over the level of spending already approved by the States under the extant Resolutions'. I would like my colleagues to have that in mind when they come to vote.

3415 Now, sir, I fully appreciate the need to invest in infrastructure and the economy but there is also a need to invest in people. Meaningful social policy does need to be progressed as well. Surely a priority list should be a balanced mix of all of those things. Of course, I understand investing in economic enablers would mean an increase in revenue and that revenue will help fund social policy initiatives, but some things cannot wait. Some things simply cannot wait.

3420 The point about NICE drugs is they are not all about making people more comfortable and extending their lives by a few months. Some of those treatments and drugs can make such a difference in a person's life. They can result in some people becoming more socially and economically active. Those people then make a social and economic contribution that they are not able to make otherwise. So, this is all about investing in people.

3425 In some cases there will be an economic dividend, a positive outcome for the community, the economy and the public purse. Because NICE drugs will allow people to be a lot more active and because of that we all benefit. Yes, it is about making people who are suffering more comfortable and hopefully extending their lives, but there is much more to it than that. So, why would we not want to stick to the extant Resolution? Why would we want to delay? As Deputy Roffey said, why delay correcting a national disgrace?

3430 Moving towards a close, as I also said in an earlier speech, I get the feeling this Assembly wants to be a lot more proactive than previous Assemblies. I get the feeling this Assembly wants to be a lot more compassionate than previous Assemblies. I get the feeling that this Assembly does not just want to be known as an exclusively business-like States but would very much like to be proactive and compassionate at the same time. Now, I hope I am not wrong in thinking that, sir, because here
3435 is an opportunity for my colleagues to prove they want to be proactive and compassionate at the same time as being business-like. In closing, I ask for a recorded vote, sir, please, when we go to the vote. Thank you.

The Bailiff: Deputy Inder.

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Deputy Inder: Thank you, sir. Just briefly, again, another unstructured speech, most of it coming from what we have heard today. Deputy Queripel says what is the top priority and I think he says health and I suspect education is probably up there as well. There is a reason probably people like me tend to rail against Government wastage because I think Government is about needs and not wants.

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Only last week we were told that we had spent over £10 million *not* delivering education and apart from the fact that I think a northern harbour is just daft, we are in a consultancy culture that had that got through we would have been committed to £4 million spending on a set of consultants to waste more money looking at a harbour. Last term, we had the old E&I trying to take down a wall for £1.3 million, I think it was. They were there, taking walls down, but they could put walls up.

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So, there is actually a reason. People, I think, like me, do not do it for the sake of belligerence, we do it because we think it is a waste of money and the consultancy culture has cost us absolutely millions. I do not know if it was Deputy Roffey or possibly Deputy Queripel or someone mentioned, I think it was Deputy McKenna actually, the amount of money that we have wasted elsewhere through the States over the years and years, which I cannot deny that I have been part responsible, but no one can say I have not railed against it.

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Deputy Gollop says he wants parity with north Wales. So, I looked up, is Wales viable? No, it is not, actually. What he is basically saying if he wants parity with north of Wales, what he has forgotten

is that they have got 20% VAT, the country is not viable, if it broke away from the UK it would be the 137th largest country in the world.

I wish I could be one of those Deputies that just sits back and demands all the social policies in the world, safe in the knowledge I do not have the responsibility to deliver it. I could go back to my opinion columns, rail against it after years and years, tell everyone how terrible it is, safe in the knowledge that I am the hero of the day. Some of us are not like that. We understand that if you spend something you have got to get the money from somewhere.

That is how I think the majority now, through you sir to Deputy Queripel, even though we are effectively compassionate, what we do understand is basically services cost money. So I have just noted there something potentially on £15 million we could have spent on silly ideas, silly consultancies and definitely blown £10 million not delivering education. Imagine what that could have done. We could have rebuilt La Mare, could have spent a couple of million on a NICE drug. We do this time and again.

If one of these amendments gets through, I am sure they will – fists will be pumped in the air, people will be back on Facebook saying they are heroes – but remember there will be a cost to this. When the Tax Review comes, there will be a cost to this. I must warn with a small 'w' Members, do not on one day fist pump the air because you may or may not have won an amendment this day and then the very next day when the Tax Review comes out and we find that we have got GST here and we have got whatever tax rises there, start coming back with amendments saying it cannot happen, I am suddenly for middle Guernsey. It does not work like that.

That needs calling out. This is what happens time and again. Social policy has no responsibility whatsoever. We walk out waving our amendments but we do not realise how much it costs. On this, where I absolutely agree with Deputy Queripel, sorry I cannot bring myself to agree with Deputy Roffey, is that is a decision that we did make some time ago.

But we are under different circumstances and we do have a Policy & Resources Council. Looking around they are largely made up of independents, one independent, two; two Members of the Guernsey Party of Independents, and they are all sensible cats and they have been around the block a bit. Literally, some of them, particularly Deputy Ferbrache.

In the main, they are trying to do what they can under the circumstances that they are given and they have said here, 19C:

To direct that the Committee for Health & Social Care publish the review within four months of the review being finalised ... up to £40,000 to be further informed by the outcomes of this review.

Sir, to that end, I am quite satisfied in this instance to back our lead Committee. There you are.

The Bailiff: Deputy Blin.

Deputy Blin: Thank you, sir. I think Deputy Inder's words have brought me to my feet here. I see myself, and I am sure similar with others, I feel like I am a pragmatic person, a social entrepreneurial, glass half-full, compassionate. These sorts of situations I find very tricky because I look at amendment 12 and exactly in the words that Deputy Inder said, I see that there is a cost to everything that we do and I know that is very well-balanced, particularly when you hear Deputy Soulsby talking about it. It has been planned and they now know within months they will change it.

The reason I stand up is I am going to look at the pragmatic side rather than the compassionate side. These costs for maybe helping or changing the life or keeping the life of one person compared to many. I have a particular trouble with things like this, sitting with some very good commissioners on the Overseas Aid, sometimes we look at small projects where there is a value of £20,000 or something but if it does not help so many people, we almost term it the number of lives helped, then you have to say no and you have to move onto something that serves more people.

But this is our community and I know, *[inaudible]* Deputy Oliver was one other person who has had some of the NICE-TA drugs, but I know a number of people who are kept alive through this. So

I cannot even put a value on helping, like Deputy McKenna's speech. This is our community, we look after our vulnerable, it is for within us.

3510 So, I do support the extant Resolution, Deputy Roffey's Resolution and I would ask others to think this is from the conscience and situation. Yes, I am aware I am putting more pressure on our P&R and our situation but actually the reality is I feel this is something important and I know many of you will have this thought in your mind where sometimes deciding between what is pragmatic, what is part of helping our balance sheet, but this comes down to people's lives. So I support that.
3515 Thank you.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir. Yes, this is a tricky one. We have to be compassionate and it is
3520 easy to say you cannot put a value on a life. On the other hand we have to make difficult decisions in terms of comparisons of what is cost-effective and how the Health Department applies funds. I am inclined to favour Deputy Soulsby's compromise, amendment 12.

I wonder if she, when she does her summing up, could restate her analysis, which was quite intense and complex, in terms of the value of the drugs *vis-à-vis* what can be applied in a more
3525 cost-effective way, as she had suggested, for example in orthopaedic surgery, where we are terribly behind and where I know we have got a lot of middle-aged people who can barely walk with hips and knees and that sort of thing. There was analysis in there from her, which was very good and it is probably worth stating if she would do that in her summing up. Thank you.

3530 **The Bailiff:** Deputy St Pier.

Deputy St Pier: I think it was Deputy Inder who said there is a cost to everything that we do and, really, I rise I suppose to provide some reassurance, I suppose, to Deputies Blin, probably Oliver and Prow, who have spoken on this and with some concern, particularly from Deputies Oliver and
3535 Prow in relation to the situation we find ourselves in.

Because I want to extend the notion that really nothing has actually changed since the decision was made by the previous Assembly, which was approved by a majority, including of course Deputy Inder. I think the notion that has been rolled out is that COVID has radically changed everything. I really want to make the argument that COVID has had a big impact clearly on our community in
3540 lots of ways and, of course, it has had a big impact on our finances. Roughly a little bit over £100 million for 2020 and 2021.

Now, that is a lot of money, clearly. But in the context of this policy change that was agreed over an extended period of time that this was anticipated to have effect, it is not actually a great deal of money, despite that. Now, when I was on Policy & Resources and the requête came forward, I clearly
3545 had significant concerns and absolutely made the speech that Deputy Inder gave that there is a cost to everything that we do and if the States approve this policy it is going to have an impact and they need to go away and work out how to fund this in the long-term.

Nothing has changed. We are in exactly the same position as we were when I delivered the speech that Deputy Inder has just delivered. We always knew there was no long-term funding stream for this policy. It was always going to be funded in the short-term from the Health Service Fund and the long-term solution would come out of the Tax Review. That was one of the reasons why we needed to do the Tax Review, because we knew that this was one of the additional spending pressures, which the States had chosen to put on us, the senior Committee as then was, that need to be addressed in the long-term.
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3555 So, really, absolutely nothing has changed and to cite COVID as a reason for going for the original Propositions in the policy letter, or now amendment 12 or whatever it is, I simply cannot accept that as a rational explanation. Because what I would suggest to, particularly Deputies Prow and Oliver, who are sort of tempted by that argument, is that if we get to the Tax Review and we are simply not prepared to accept whatever it is that is going to come from Deputy Helyar in terms

of its recommendations, then that is the time that these kinds of things are going to have to be taken off the table. That is the time in which we have to accept the consequences of not doing the things that are needed as a result of the decisions, which have already been made in relation to this.

So, as ever, there are so many occasions in this Assembly when we are asked to make decisions which feel like chicken and egg. But in this case, I would urge Members to continue with the current policy, accept the consequences exactly as Deputy Inder has said, that it has to be one of those things that have to be taken account of as part of the Tax Review, that will inform and no doubt impact upon the outcome of that tax debate and if whatever recommendations are not accepted in order to meet the spending pressures, including this one, then P&R are going to have to come back and say, 'Right, if you are not prepared to do these things then this whole group of stuff is going to have to go and this may well be one of them.'

But I would suggest that it is premature to be taking it off the table today and, for that reason, actually the right approach is amendment 1.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir. I think it might be just helpful to remind us the different pieces in this particular jigsaw. The original Proposition was that we would do one year for ICERs up to £30,000 and then the second year we would move on to ICERs up to £40,000. Policy & Resources, in their – our – Government Work Plan, changed it, with an option that we would do £30,000 for year one, £30,000 for year two and then review.

Now we have Deputy Roffey, who puts us back to the original Proposition, so we have £30,000 year one, £40,000 year two and then review, and we have the compromise position that Deputy Soulsby is putting forward on behalf of P&R, of £30,000 year one, review, before we go onto the £40,000 if the £40,000 looks as though it is going to be of value to us.

Now, I would like to start with some thank yous. I would like to thank both Deputy Soulsby and Deputy Roffey for laying their amendments. That has ensured this Assembly's attention has been drawn to this important issue. I would also like to thank HEAL – Health Equality for All – for their engagement over recent weeks and the continued efforts to highlight how individual Islanders are affected by the decisions we make.

Of course, there are not only NICE drugs in play, there are other drugs through the NHS, which come online because they have been able to achieve a better result with the drug company and then suddenly a drug that we have been waiting for – it might not be a NICE one – suddenly becomes available to us if we can then negotiate the same tariff.

I would like to also thank my fellow Members on HSC Committee for the considered approach in which they have discussed NICE-TAs over recent weeks. This has collectively improved our understanding of a very complex and emotive issue and, as a Member of the last Assembly who supported the introduction of NICE-TAs, I have been particularly grateful for the views of those Members who were not part of that earlier debate.

Members may wonder why it is Deputy Roffey rather than a Member of HSC who initially laid the amendment. That is a good question. It must be. It has been occupying HSC for the last few weeks. As a Committee, we are unanimous that we want all Islanders to receive the best possible healthcare. We are unanimous that we want to reduce health inequality and we are unanimous that we need to do so in a way which is sustainable and responsive to the community's growing needs.

But there are always different ways to balance those scales. P&R, through their amendment, proposes one way; Deputy Roffey proposes another. Both amendments still allow the first year of £30,000 ICERs to continue. Neither is inherently wrong. It is, however, inherently difficult.

As would be expected with any successful Committee, HSC has a range of views of how a balance can be achieved and was not able to reach a unanimous position nor, given the timeframe, have been able to discuss the specific amendment submitted by P&R. Perhaps surprisingly, as President, I am pleased for the range of views amongst my Members, we have all been able to benefit from

the constructive challenge of both the Government Work Plan proposals and Deputy Roffey's amendment.

When the Assembly agreed to the phased introduction of NICE-TAs in January 2020, it did so recognising the clear funding gap, which exists in respect of health and care services. Healthcare is getting more and more expensive. It is also getting better. But it is also getting expensive. This makes decisions about investments particularly difficult and longer term this is a conversation that we need to have as a community about what services we expect and what we are willing and able to pay for.

What the Government Work Plan has done well is look at how we can support prevention and early intervention. We see this through the prioritisation of SOHWELL, a mental health pilot, a review of primary care and a review of the Children's Law. If we, as an Assembly, we can then mitigate the rate at which health care costs are rising – and they will.

So, that leaves us with the question of what to do in the interim. We know that we have backlogs we need to address. Again, something that has been prioritised in the Government Work Plan. And we know that COVID-19 will affect healthcare delivery for years to come. We know that the £40,000 ICER is made up of 20 cancer drugs and four others. Not all necessarily will be used and there are some that there are other alternatives for and obviously there are four non-cancer drugs that make up the 24, which are in that gap between £30,000 and £40,000.

The estimated cost, if fully implemented, will run, we reckoned at the time of the debate in 2020, at about £3 million *per annum*. Now, for £3 million *per annum* I can get a second MRI scanner built and put in place and run the staffing costs of that and I would have change left over, which would benefit a very large number of Islanders, especially those who are looking for hip replacements and other items where more and more clinicians these days rely on an MRI scan before they start the next item in the discovery of what is wrong with someone.

The implementation of NICE-TAs cannot be immune from considerations of how to maximise the available resources for the benefit of the whole community. Since taking office we have been keen to see the direction of the Assembly progressed as quickly as possible, and this will remain the case. HSC has prioritised the NICE-TAs according to patient need and we have not declined a request for a medicine with an ICER of 30 or below.

I am pleased by the progress that has been made implementing the NICE-TAs with an ICER up to 30 and we have been reassured by officers of the plans in place to ensure momentum of the project. This will continue unaffected, irrespective of today's decision. So, we will continue, and I think, I know we have this vision that maybe the funding may stop after two years. I will eat my hat if it stops. Once we put all the ICERs in place up to £30,000, we will not be in a position to remove that from the community. You would be like taking the dummy out of the baby's mouth or the biscuit away from my Doberman. It is just not going to happen.

I understand why the original proposals contained in the Government Work Plan caused some concern and I am grateful to P&R for listening to this and laying what they acknowledge to be a compromise amendment. I know for some it may be a compromise too far but, on balance, as an individual Deputy, based on the information available at this time and the changing context created by COVID, I support the proposals from P&R.

I do this not because I think the decision last January was wrong – I voted for it – nor because I think Deputy Roffey is wrong to want to retain the January 2020 Resolutions. However, until I am able to satisfy myself that continuing with the plans to expand the implementation of NICE-TAs incurring potentially millions of pounds of costs will not risk disadvantaging other Islanders equally needing health and care, I simply cannot support Deputy Roffey's amendment. The P&R amendment provides us the opportunity to bring forward the review and ensure that we have the right information to make a decision.

We do not pay the tax in Rochdale or in Surrey but I am pretty sure that we may well soon do. I strongly believe the review of the implementation of drugs and treatments with an ICER up to 30 is necessary but I equally strongly hope that this will demonstrate the value of the investment to date

and recommend its expansion. But to my mind we owe it to the community to demonstrate that this is what the P&R approach provides. Thank you, sir.

3665 **The Bailiff:** Members of the States, we will now adjourn until 9.30 in the morning.

The Assembly adjourned at 5.38 p.m.